

EXHIBIT “1”

POINTS AND AUTHORITY

CALIFORNIA CONSTITUTION

All political power is inherent in the People.

Government is instituted for their protection, security, and benefit, and they have the right to alter or reform it when the public good may require.

CALIFORNIA GOVERNMENT CODE, SECTION 11120 et seq. 11120

It is the public policy of this state that public agencies exist to aid in the conduct of the People's business...

CALIFORNIA GOVERNMENT CODE, SECTION 54950 et seq. 54950

In enacting this chapter, the Legislature finds and declares that the public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people's business.

The legislative power of this State is vested in the California Legislature which consists of the Senate and Assembly, but the People reserve to themselves the powers of initiative and referendum.

California's new "anti-SLAPP" statute, Code of Civil Procedure 415.16

The United States and California constitutions grant every person the right to participate in government and civic affairs, speak freely on public issues, and petition all government officials for redress of grievances.

Yet, individuals and community groups are often sued for exercising these constitutional rights.

These suits are known as "SLAPPs," or "Strategic Law suits Against Public Participation."

Courts have adopted this acronym for any lawsuit filed primarily to chill the defendant's exercise of First Amendment rights --such as free speech, petitioning a government body for redress of grievances, or pursuing legal remedies in a court of law.

(See Briggs v. Eden Council for Hope & Opportunity (1999) 19 Cal.4th 1106, 1109, fn. 1(Briggs).)

Victims' Bill of Rights - Marsy Right. California Constitution, Article I, Section 28 (b)

The Marsy Rights are to be provided to each crime victim pursuant to Penal Code Section 679.026 Victims' Bill of Rights Act of 2008: Marsy's Law (Proposition 9 Passed 11-4-2008).

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To be treated with fairness and respect for his or her privacy and dignity, and to be free from intimidation, harassment, and abuse, throughout the criminal or juvenile justice process.

To be reasonably protected from the defendant and persons acting on behalf of the defendant.

To Restitution

(A) It is the unequivocal intention of the People of the State of California that all persons who suffer losses as a result of criminal activity shall have the right to seek and secure restitution from the persons convicted of the crimes causing the losses they suffer.

(B) Restitution shall be ordered from the convicted wrongdoer in every case, regardless of the sentence or disposition imposed, in which a crime victim suffers a loss.

(C) All monetary payments, monies, and property collected from any person who has been ordered to make restitution shall be first applied to pay the amounts ordered as restitution to the victim.

DOCTRINE CLARIFICATION: Res ipsa loquitur / Prima facie Preponderance of the evidence

Res ipsa loquitur is often confused with prima facie ("at first sight"), the common law doctrine that a party must show some minimum amount of evidence before a trial is worthwhile.

The difference between the two is that prima facie is a term meaning there is enough evidence for there to be a case to answer.

Res ipsa loquitur means that because the facts are so obvious, a party need explain no more. Preponderance of the evidence that defendant has been negligent is by our evidentiary exhibits.

Water Code Section 13304

A regional Water Board is required to make findings that a person has caused or permitted, or threatens to cause or permit, any waste to be discharged or deposited where it is, or probably will be discharged, into waters of the state, or threatens to create, a condition of pollution. (Pollution, when poisonous toxic substances are the polluters, shall be deemed as "Poisoning" [Emphasis added].)

When using an Investigation Order pursuant to Water Code Section 13267, a regional Water Board must make findings that a person has discharged, is discharging, or is suspected of having discharged waste of its region.

In either case, the regional board's findings must be supported by "substantial evidence".

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The California Supreme Court has stated that substantial evidence of "probable legal significance", which is reasonable in nature, credible and of solid value.

Ofsevit v. Trustees of California State Universities and Colleges (1978) 21 Cal.3d 773n.9.

"Substantial Evidence" means facts, reasonable assumption based on facts and expert opinions supported by facts, *Friends of Davis v. City of Davis* (2000) 83 Cal.App.4th 1004, 1019.

Direct or circumstantial evidence includes "[i]ndustry-wide operational practices that historically have lead to discharges, such as:

leakage of pollutants and toxic substances from wastewater collection and conveyance systems, sumps, cooling towers containing toxic chemicals to combat corrosion, cooling towers blowdown systems, similar steam to water condensation devices and apparatuses containing chemicals to combat bacteria, viruses and fungi, surface and underground storage tanks, water storage ponds reservoirs and man-made watersheds, mist and steam carrying particulate matters, landfills, apparatuses lubricated with lubricant oil, injection into upper and lower aquifers of various carbon sources - constituents not limited to ethanol which triggers when uranium is disturbed in the lower aquifer by such carbon sources the ultimate decay when such ground waters is pumped to surface releasing gross alpha and beta radiation, and many other metals, organic and inorganic substance all man-introduces in various industrial system's operation.

At all times, a discharger have the burden of proving that any metals, toxic substances, constituent products and byproducts are substantially caused by nature, or are naturally occurring in substantial quantity, quantifying and qualifying such by adhering to the established by state and federal laws Maximum Contaminant Level (MCL) within their area of industrial operation.

At all times, the People of this state reserve the Constitutional rights to perform own investigation of pollutants-contaminated and poisoned ground waters with toxic metals / chemicals / constituent products and byproducts, inclusive of the soils and air in their community/ town, and to compel Water Boards to refrain for certain length of time to force a discharger to perform own investigation of pollutants-contaminants, when there is reasonable assumption based on facts that certain acts performed by the discharger will interfere with the Investigation conducted by the People, thus jeopardize the People of this state inherent rights, in violation of California and US Constitutions.

BAGLEY- KEENE OPEN MEETING ACT CAL.GOV.CODE,DIVISION 7

§ 11125. Notice

(s) The state body shall provide notice of its meeting to any person who requests that notice in writing. Notice shall be given and also made available on the Internet at least **10 days in advance of the meeting**, and shall include the name, address, and telephone number of any person who can provide further information prior to the meeting, but need not include a list of witnesses expected to appear at the meeting.

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The written notice shall additionally include the address of the Internet site where notices required by this article are made available.

(b) The notice of a meeting of a body that is a state body shall include a specific agenda for the meeting, containing a brief description of the items of business to be transacted or discussed in either open or closed session. A brief general description of an item generally need not exceed 20 words.

A description of an item to be transacted or discussed in closed session shall include a citation of the specific statutory authority under which a closed session is being held. No item shall be added to the agenda subsequent to the provision of this notice, unless otherwise permitted by this article.

(c) Notice of a meeting of a state body that complies with this section shall also constitute notice of a meeting of an advisory body of that state body, provided that the business to be discussed by the advisory body is covered by the notice of the meeting of the state body, provided that the specific time and place of the advisory body's meeting is announced during the open and public state body's meeting, and provided that the advisory body's meeting is conducted within a reasonable time of, and nearby, the meeting of the state body.

(d) A person may request, and shall be provided, notice pursuant to subdivision (a) for all meetings of a state body or for a specific meeting or meetings. In addition, at the state body's discretion, a person may request, and may be provided, notice of only those meetings of a state body at which a particular subject or subjects specified in the request will be discussed.

§ 11125.7. Agenda item opportunity for public comment and free expression

(a) Except as otherwise provided in this section, the state body shall provide an opportunity for members of the public to directly address the state body on each agenda item before or during the state body's discussion or consideration of the item.

(b) This section is not applicable if the agenda item has already been considered by a committee composed exclusively of members of the state body at a public meeting where interested members of the public were afforded the opportunity to address the committee on the item, before or during the committee's consideration of the item, unless the item has been substantially changed since the committee heard the item, as determined by the state body.

Every notice for a special meeting at which action is proposed to be taken on an item shall provide an opportunity for members of the public to directly address the state body concerning that item prior to action on the item.

In addition, the notice requirement of Section 11125 shall not preclude the acceptance of testimony at meetings, other than emergency meetings, from members of the public provided, however, that no action is taken by the state body at the same meeting on matters brought before the body by members of the public.

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§ 11130.7. Misdemeanor for violations

Each member of a state body who attends a meeting of that body in violation of any provision of this article, and where the member intends to deprive the public of information to which the member knows or has reason to know the public is entitled under this article, is guilty of a misdemeanor.

California Code of Regulations Title 23. Waters Division 3. State Water Resources Control Board And Regional Water Quality Control Boards

(a) Purpose. Government Code Section 11125 requires state agencies to provide notice at least one week in advance of any meeting to any person who requests such notice in writing except that emergency meetings may be held with less than one week's notice when such meetings are necessary to discuss unforeseen emergency conditions as defined by published rule of the agency.

The purpose of this section is to establish procedures for compliance with Government Code Section 11125 by the State Board and the Regional Boards.

(b) Contents of Meeting Notice. The notice for all meetings of the State Board and Regional Boards shall specify the date, time and location of the meeting and include an agenda listing all items to be considered.

The agenda shall include a description of each item, including any proposed action to be taken.

(c) Time of Notice. Notice shall be given at least one week in advance of the meeting. When the notice is mailed, it shall be placed in the mail at least eight days in advance of the meeting.

§ 647.3. Public Comments.

(a) Any person may submit comments in writing on any agenda item. Any person submitting such comments shall provide the Board with a copy of the comments in advance of the meeting at which it is to be considered. Such comments may be inspected by any interested person.

(b) Persons present shall be given an opportunity to make relevant oral comments on any agenda item; provided, however, that the Chairperson or other presiding member may limit or preclude such comments as necessary for the orderly conduct of business.

The provisions of this section are limited to meetings and shall not apply to adjudicatory hearings as defined and provided for in Article 2.

NOTE: AUTHORITY CITED: SECTIONS 185 AND 1058, WATER CODE.
REFERENCE: SECTIONS 11120, ET SEQ., GOVERNMENT CODE.

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§ 648.8. Enforcement Orders and Sanctions.

(a) The presiding officer or Board shall have the power to impose sanctions as specified in Sections 11455.10 and 11455.30 of the Government Code.

(b) If the Board cites a person for contempt for any of the actions listed in Section 11455.10 of the Government Code, then the matter shall be certified to the superior court for contempt proceedings without further review by the Board. If the Board orders payment of costs pursuant to Section 11455.30 of the Government Code, then the order is effective upon issuance.

(c) Board Review of Enforcement Orders and Sanctions Imposed by Hearing Officers and Hearing Panels.

(1) If the presiding officer is a Board member or other hearing officer or hearing panel authorized by the Board to conduct the hearing, a citation for contempt issued pursuant to Section 11455.10 of the Government Code or an order for payment of costs issued pursuant to Section 11455.30 of the Government Code is subject to review by the Board as provided in this subdivision.

PORTER-COLOGNE WATER QUALITY CONTROL ACT CAL.WATER CODE,DIVISION 7 California Water Code Division 7. Water Quality

§ 13207. Conflict of interest

(a) A member of a regional board shall not participate in any board action pursuant to Article 4 (commencing with Section 13260) of this chapter, or Article 1 (commencing with Section 13300) of Chapter 5, in which he or she has a disqualifying financial interest in the decision within the meaning of Section 87103 of the Government Code.

(b) A board member shall not participate in any proceeding before any regional board or the state board as a consultant or in any other capacity on behalf of any waste discharger.

(c) Upon the request of any person, or on the Attorney General's own initiative, the Attorney General may file a complaint in the superior court for the county in which the regional board has its principal office alleging that a board member has knowingly violated this section and the facts upon which the allegation is based and asking that the member be removed from office.

Further proceedings shall be in accordance as near as may be with rules governing civil actions. If after trial the court finds that the board member has knowingly violated this section it shall pronounce judgment that the member be removed from office.

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§ 13208. Executive officer conflict of interest

(a) No regional board executive officer may make, participate in making, or use his or her official position to influence, any decision of the regional board, or made on behalf of the regional board, affecting any person or entity subject to waste discharge requirements under this division if the regional board executive officer has received, during the previous two years, 10 percent or more of his or her income from that person or entity.

(b) "Income," for purposes of this section, has the same meaning as in Section 82030 of the Government Code.

§ 13228.14. Hearing panels; translation of Bagley-Keene notices

(d) For each meeting agenda notice that a regional board provides pursuant to subdivision (b) of Section 11125 of the Government Code, a regional board shall make the agenda notice available in both English and Spanish and may make the agenda notice available in any other language.

In accordance thereof § 13228.14.(d) "*Any other language*" additional languages shall be: Russian, Chinese, Korean, Japanese, German, Hebrew.

§ 13261. Civil liability

(a) A person who fails to furnish a report or pay a fee under Section 13260 when so requested by a regional board is guilty of a misdemeanor and may be liable civilly in accordance with subdivision (b).

(b) (1) Civil liability may be administratively imposed by a regional board or the state board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (a) in an amount not exceeding one thousand dollars **(\$1,000) for each day** in which the violation occurs.

Civil liability shall not be imposed by the regional board pursuant to this section if the state board has imposed liability against the same person for the same violation.

(2) Civil liability may be imposed by the superior court in accordance with Article 5 (commencing with Section 13350) and Article 6 (commencing with Section 13360) of Chapter 5 for a violation of subdivision (a) in an amount not exceeding five thousand dollars **(\$5,000)** for each day the violation occurs.

(c) A person who discharges or proposes to discharge hazardous waste, as defined in Section 25117 of the Health and Safety Code, who knowingly furnishes a false report under Section 13260, or who either willfully fails to furnish a report or willfully withholds material information under Section 13260 despite actual knowledge of that requirement, may be liable in accordance with subdivision (d) and is guilty of a misdemeanor.

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This subdivision does not apply to any waste discharge that is subject to Chapter 5.5 (commencing with Section 13370).

(d) (1) Civil liability may be administratively imposed by a regional board in accordance with Article 2.5 (commencing with Section 13323) of Chapter 5 for a violation of subdivision (c) in an amount not exceeding five thousand dollars (\$5,000) for each day the violation occurs.

(2) Civil liability may be imposed by the superior court in accordance with Article 5 (commencing with Section 13350) and Article 6 (commencing with Section 13360) of Chapter 5 for a violation of subdivision (c) in an amount not exceeding twenty-five thousand dollars (\$25,000).

§ 13262. Injunctive relief

The Attorney General, at the request of the regional board or the state board, shall petition the superior court for the issuance of a temporary restraining order, temporary injunction, or permanent injunction, or combination thereof, as may be appropriate, requiring any person not complying with Section 13260 to comply therewith.

§ 13301. Cease and desist order

When a regional board finds that a discharge of waste is taking place, or threatening to take place, in violation of requirements or discharge prohibitions prescribed by the regional board or the state board, the board may issue an order to cease and desist and direct that those persons not complying with the requirements or discharge prohibitions.

(a) Comply forthwith

(b) comply in accordance with a time schedule set by the board, or (c) in the event of a threatened violation, take appropriate remedial or preventive action.

In the event of an existing or threatened violation of waste discharge requirements in the operation of a community sewer system, cease and desist orders may restrict or prohibit the volume, type, or concentration of waste that might be added to that system by dischargers who did not discharge into the system prior to the issuance of the cease and desist order.

Cease and desist orders may be issued directly by a board, after notice and hearing.

§ 13303. Effective date

Cease and desist orders of the board shall become effective and final upon issuance thereof.

Copies shall be served forthwith by personal service or by registered mail upon the person being charged with the violation of the requirements and upon other affected persons who appeared at the hearing and requested a copy.

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§ 13331. Injunction

(a) Upon the failure of any person or persons to comply with any cease and desist order issued by a regional board or the state board, the Attorney General, upon request of the board, shall petition the superior court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, restraining such person or persons from continuing the discharge in violation of the cease and desist order.

(b) The court shall issue an order directing defendants to appear before the court at a time and place certain and show cause why the injunction should not be issued.
The court may grant such prohibitory or mandatory relief as may be warranted.

§ 13387. Criminal penalties

(a) Any person who knowingly or negligently does any of the following is subject to criminal penalties as provided in subdivisions (b), (c), and (d):

(5) Introduces into a sewer system or into a publicly owned treatment works any pollutant or hazardous substances that the person knew or reasonably should have known could cause personal injury or property damage.

(b) Any person who negligently commits any of the violations set forth in subdivision (a) shall, upon conviction, be punished by a fine of not less than five thousand dollars (\$5,000), nor more than twenty-five thousand dollars (\$25,000), for each day in which the violation occurs, by imprisonment for not more than one year in a county jail, or by both that fine and imprisonment.

(d) (1) Any person who knowingly commits any of the violations set forth in subdivision (a), and who knows at the time that the person thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be punished by a fine of not more than two hundred fifty thousand dollars (\$250,000), imprisonment, pursuant to subdivision

(h) of Section 1170 of the Penal Code for 5, 10, or 15 years, or by both that fine and imprisonment. A person that is an organization shall, upon conviction under this subdivision, be subject to a fine of not more than one million dollars (\$1,000,000).

If a conviction of a person is for a violation committed after a first conviction of the person under this subdivision, the punishment shall be by a fine of not more than five hundred thousand dollars (\$500,000), by imprisonment pursuant to subdivision (h) of Section 1170 of the Penal Code for 10, 20, or 30 years, or by both that fine and imprisonment.

(f) For purposes of this section, a single operational upset which leads to simultaneous violations of more than one pollutant parameter shall be treated as a single violation.

(g) For purposes of this section, "organization," "serious bodily injury," "person," and "hazardous substance" shall have the same meaning as in Section 309(c) of the Clean Water Act (33 U.S.C. Sec. 1319(c)), as amended.

EXHIBIT “2”

POINTS AND AUTHORITIES

California Water Code

§ 13320. Review by state board of regional board action

- (a) *Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4, Chapter 5 (commencing with Section 13300), Chapter 5.5 (commencing with Section 13370), Chapter 5.9 (commencing with Section 13399.25), or Chapter 7 (commencing with Section 13500), any aggrieved person may petition the state board to review that action or failure to act. In case of a failure to act, the 30-day period shall commence upon the refusal of the regional board to act, or 60 days after request has been made to the regional board to act.*
- (b) *The state board may, on its own motion, at any time, review the regional board's action or failure to act and also any failure to act under Article 3 (commencing with Section 13240) of Chapter 4.*
- (c) *(b) The evidence before the state board shall consist of the record before the regional board, and any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.*
- (d) *(c) The state board may find that the action of the regional board, or the failure of the regional board to act, was appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may direct that the appropriate action be taken by the regional board, refer the matter to any other state agency having jurisdiction, take the appropriate action itself, or take any combination of those actions. In taking any such action, the state board is vested with all the powers of the regional boards under this division.*
- (e) *(d) If a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.*
- (f) *(e) If a petition for state board review of a regional board action on waste discharge requirements includes a request for a stay of the waste discharge requirements, the state board shall act on the requested stay portion of the petition within 60 days of accepting the petition. The board may order any stay to be in effect from the effective date of the waste discharge requirements.*

Porter-Cologne Water Quality Control Act, California Water Code Division 7, (As amended, including Statutes 2013) EFFECTIVE JANUARY 1, 2014

§ 13000. Legislative findings

The Legislature finds and declares that the people of the state have a primary interest in the conservation, control, and utilization of the water resources of the state, and that the quality of all the waters of the state shall be protected for use and enjoyment by the people of the state.

The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible.

The Legislature further finds and declares that the health, safety and welfare of the people of the state requires that there be a statewide program for the control of the quality of all the waters of the state; that the state must be prepared to exercise its full power and jurisdiction to protect the quality of waters in the state from degradation originating inside or outside the boundaries of the state; that the waters of the state are increasingly influenced by interbasin water development projects and other statewide considerations; that factors of precipitation, topography, population, recreation, agriculture, industry and economic development vary from region to region within the state; and that the statewide program for water quality control can be most effectively administered regionally, within a framework of statewide coordination and policy.

§ 13002. Non-limiting clauses

(e) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

***CHAPTER 10. WATER WELLS AND CATHODIC PROTECTION WELLS ARTICLE 1.
DECLARATION OF POLICY***

§ 13700. Legislative findings

The Legislature finds that the greater portion of the water used in this state is obtained from underground sources and that those waters are subject to impairment in quality and purity, causing detriment to the health, safety and welfare of the people of the state. The Legislature therefore declares that the people of the state have a primary interest in the location, construction, maintenance, abandonment, and destruction of water wells, cathodic protection wells, groundwater monitoring wells, and geothermal heat exchange wells, which activities directly affect the quality and purity of underground waters.

§ 13701. Legislative declarations

The Legislature finds and declares all of the following: § 13701. Legislative declarations

The Legislature finds and declares all of the following:

- (a) Improperly constructed and abandoned water wells, cathodic protection wells, groundwater monitoring wells, and geothermal heat exchange wells can allow contaminated water on the surface to flow down the well casing, thereby contaminating the usable groundwater.*
- (b) Improperly constructed and abandoned water wells, cathodic protection wells, groundwater monitoring wells, and geothermal heat exchange wells can allow unusable or low quality groundwater from one groundwater level to flow along the well casing to usable groundwater levels,*

(c) thereby contaminating the usable groundwater.

(d) Contamination of groundwater poses serious public health and economic problems for many areas of the state.

ARTICLE 2. DEFINITIONS

§ 13710. "Well"

"Well" or "water well" as used in this chapter, means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.

§ 13711. "Cathodic protection well"

"Cathodic protection well," as used in this chapter, means any artificial excavation in excess of 50 feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

§ 13712. "Monitoring well"

"Monitoring well" as used in this chapter, means any artificial excavation by any method for the purpose of monitoring fluctuations in groundwater levels, quality of underground waters, or the concentration of contaminants in underground waters.

§ 13754. Misdemeanor

Failure to comply with any provision of this article, or willful and deliberate falsification of any report required by this article, is a misdemeanor.

Before commencing prosecution against any person, other than for willful and deliberate falsification of any report required by this article, the person shall be given reasonable opportunity to comply with the provisions of this article.

§ 13755. Compliance

This chapter does not affect the powers and duties of the State Department of Public Health with respect to water and water systems pursuant to Chapter 4 (commencing with Section 116270) of Part 12 of Division 104 of the Health and Safety Code. Every person shall comply with this chapter and any regulation adopted pursuant thereto, in addition to standards adopted by any city or county.

§ 13271. Notification requirement

(a)(1) Except as provided by subdivision (b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state, shall, as soon as (A) that person has knowledge of the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Management Agency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code.

EXHIBIT “3”

POINTS AND AUTHORITIES

"GENERAL INFORMATION

California is the only state in the nation with independent professional judges dedicated to ruling on attorney discipline cases.

The State Bar of California investigates complaints of attorney misconduct. If the State Bar determines that an attorney's actions involve probable misconduct, formal charges are filed with the State Bar Court by the bar's prosecutors (Office of Chief Trial Counsel).

The independent State Bar Court hears the charges and has the power to recommend that the California Supreme Court suspend or disbar attorneys found to have committed acts of professional misconduct or convicted of serious crimes.

For lesser offenses, public or private reproofs may be issued by the State Bar Court.

Also, it can temporarily remove lawyers from the practice of law when they are deemed to pose a substantial threat of harm to clients or the public.

Lawyers may seek review of State Bar Court decisions in the California Supreme Court.

The State Bar Court conducts hearings and makes decisions and formal recommendations on disciplinary matters."

"RULES OF PROFESSIONAL CONDUCT

The California Rules of Professional Conduct are intended to regulate professional conduct of members of the State Bar through discipline. They have been adopted by the Board of Trustees and approved by the California Supreme Court pursuant to statute to protect the public and to promote respect and confidence in the legal profession. The rules and any related standards adopted by the Board are binding on all members of the State Bar."

"CURRENT RULES

Rules of Professional Conduct

Rule 5-200 Trial Conduct

In presenting a matter to a tribunal, a member:

(A) Shall employ, for the purpose of maintaining the causes confided to the member such means only as are consistent with truth;

(B) Shall not seek to mislead the judge, judicial officer, or jury by an artifice or false statement of fact or law;

(C) Shall not intentionally misquote to a tribunal the language of a book, statute, or decision;

(D) Shall not, knowing its invalidity, cite as authority a decision that has been overruled or a statute that has been repealed or declared unconstitutional; and

(E) Shall not assert personal knowledge of the facts at issue, except when testifying as a witness.

Rule 5-220 Suppression of Evidence. A member shall not suppress any evidence that the member or the member's client has a legal obligation to reveal or to produce."

EXHIBIT “4”

**STATE WATER RESOURCES CONTROL BOARD
REGIONAL WATER QUALITY CONTROL BOARDS
INCOMPATIBLE ACTIVITIES STATEMENT**

I. PURPOSE

Section 19990 of the Government Code requires all state agencies to adopt an Incompatible Activities Statement. The purpose of this Statement is to identify those activities which the State Water Resources Control Board (State Board) has determined to be inconsistent, incompatible or in conflict with the duties of officers or employees of the State Board and of the Regional Water Quality Control Boards (Regional Boards). This Statement, in its entirety, is applicable to all officers and employees¹ of the State Board and of those Regional Boards which adopt this Statement. State and Regional Board members, the Regional Board Executive Officers, and the State Board Executive Director, if holding a civil service-exempt position, are subject only to Section V. of this Statement.

II. APPLICABLE STATUTES

A. Government Code Section 19990:

"A state officer or employee shall not engage in any employment, activity, or enterprise which is clearly inconsistent, incompatible, in conflict with, or inimical to his or her duties as a state officer or employee.

"Each appointing power shall determine, subject to approval of the [Department of Personnel Administration], those activities which, for employees under its jurisdiction, are inconsistent, incompatible or in conflict with their duties as state officers or employees.

¹ See definition in Section III.5. of this Statement.

"Activities and enterprises deemed to fall in these categories shall include, but not be limited, to all of the following:

- "(a) Using the prestige or influence of the state or the appointing authority for the officer's or employee's private gain or advantage or the private gain of another.
- "(b) Using state time, facilities, equipment, or supplies for private gain or advantage.
- "(c) Using, or having access to, confidential information available by virtue of state employment for private gain or advantage or providing confidential information to persons to whom issuance of this information has not been authorized.
- "(d) Receiving or accepting money or any other consideration from anyone other than the state for the performance of his or her duties as a state officer or employee.
- "(e) Performance of an act in other than his or her capacity as a state officer or employee knowing that the act may later be subject, directly or indirectly to, the control, inspection, review, audit, or enforcement by the officer or employee.
- "(f) Receiving or accepting, directly or indirectly, any gift, including money, or any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value from anyone who is doing or is seeking to do business of any kind with the officer's or employee's appointing authority or whose activities are regulated or controlled by the appointing authority under circumstances from which it reasonably could be substantiated that the gift was intended to influence the officer or employee in his or her official duties or was intended as a reward for any official actions performed by the officer or employee.
- "(g) Subject to any other laws, rules, or regulations as pertain thereto, not devoting his or her full time, attention, and efforts to his or her state office or employment during his or her hours of duty as a state officer or employee.

"The department shall adopt rules governing the application of this section. The rules shall include provision for notice to employees prior to the determination of proscribed activities and for appeal by employees from such a determination and from its application to an employee. Until the department adopts rules governing the application of this section, as amended in the 1985-86 Regular Session of the Legislature, existing procedures shall remain in full force and effect.

"If the provisions of this section are in conflict with the provisions of a memorandum of understanding reached pursuant to Section 3517.5, the memorandum of understanding shall be controlling without further legislative action, except that if such provisions of a memorandum of understanding require the expenditure of funds, the provisions shall not become effective unless approved by the Legislature in the annual Budget Act."

B. Government Code Section 19572:

"Each of the following constitutes cause for discipline of an employee, or person whose name appears on any employment list:

- (a) Fraud in securing appointment.
- (b) Incompetency.
- (c) Inefficiency.
- (d) Inexcusable neglect of duty.
- (e) Insubordination.
- (f) Dishonesty.
- (g) Drunkenness on duty.
- (h) Intemperance.
- (i) Addiction to the use of controlled substances.
- (j) Inexcusable absence without leave.
- (k) Conviction of a felony or conviction of a misdemeanor involving moral turpitude. A plea or verdict of guilty, or a conviction following a plea of nolo contendere, to a charge of a felony or any offense involving moral turpitude is deemed to be a conviction within the meaning of this section.
- (l) Immorality.
- (m) Discourteous treatment of the public or other employees.
- (n) Improper political activity.
- (o) Willful disobedience.
- (p) Misuse of state property.
- (q) Violation of this part or board rule.
- (r) Violation of the prohibitions set forth in accordance with Section 19990.
- (s) Refusal to take and subscribe any oath or affirmation which is required by law in connection with the employment.
- (t) Other failure of good behavior either during or outside of duty hours which is of such a nature that it causes discredit to the appointing authority or the person's employment.
- (u) Any negligence, recklessness, or intentional act which results in the death of a patient of a state hospital serving the mentally disabled or the developmentally disabled.
- (v) The use during duty hours, for training or target practice, of any material which is not authorized therefor by the appointing power.

- (w) Unlawful discrimination, including harassment, on the basis of race, religious creed, color, national origin, ancestry, physical handicap, marital status, sex, or age, against the public or other employees while acting in the capacity of a state employee.
- (x) Unlawful retaliation against any other state officer or employee or member of the public who in good faith reports, discloses, divulges, or otherwise brings to the attention of, the Attorney General, or any other appropriate authority, any facts or information relative to actual or suspected violation of any law of this state or the United States occurring on the job or directly related thereto.

III. DEFINITIONS

1. "Employer" means the State Board for State Board officers and employees and the Regional Board for Regional Board officers and employees.
2. "Person" or "persons" includes individuals, firms, partnerships, corporations, associations and all other forms of organization for business or other purposes, and their agents.
3. "State time" refers to the employee's or officer's assigned hours of work. "State time" includes any time when the employee is working in the interests of or for the benefit of the state. "State time" generally excludes paid or unpaid leave time or holidays. "State time" also generally excludes breaks, the lunch period and time before or after work.
4. "Confidential information" includes information the disclosure of which is exempted or prohibited pursuant to provisions of federal or state law, including, but not limited to, provisions of the California Evidence Code relating to privilege. "Trade secrets" and matters protected from disclosure by the attorney-client privilege, in accordance with the provisions of the Evidence Code, for example, are "confidential information". "Confidential information" does not include any matters which are subject to disclosure under the California Public Records Act, Government Code §§ 6250 et seq.

5. "Officers and employees", for purposes of all portions of this Statement, except Section V, includes all officers and employees subject to the state civil service system. The term excludes appointive officers who are exempt from civil service, such as State and Regional Board members, Regional Board executive officers, and the State Board executive director, provided that the latter is holding a civil service-exempt position.
6. An "emergency" is defined as unexpected circumstances requiring immediate action by the State Board or Regional Boards to regulate the water resources of the state so as to protect the public health, welfare, or safety. It is not necessary that the emergency conditions be such that they could not have been anticipated or prepared for but only that in the normal course of events they would seldom be expected.

IV. INCOMPATIBLE ACTIVITIES

The State Board has determined that the following activities are inconsistent, incompatible, or in conflict with the duties of State or Regional Board officers or employees:

A. Improper Use or Disclosure of Information

1. Using confidential information acquired by virtue of state employment for the employee's or officer's private gain or advantage, or the private gain or advantage of another person.
2. Providing confidential information to persons to whom issuance of such information has not been authorized by the employer.
3. Submitting for publication information gained through employment with the State or Regional Board unless the employee or officer requests the publisher to include in the publication a statement

that the views expressed are those of the author, not the State of California.

B. Misuse of Position

1. Using the prestige or influence of a state office or employment for the employee's or officer's private gain or advantage, or the private gain or advantage of another person.
2. Using state time, facilities, equipment, or supplies for the employee or officer's private gain or advantage, or the gain or advantage of another person.
3. Using state automotive equipment for any use other than the official business of the State of California or in violation of the rules of the Board of Control.
4. Soliciting or accepting personal loans of money or property from any person or entity, other than a bank or other financial institution, with knowledge or having reason to know that the person or entity does or is seeking to do business with or performs or is seeking to perform services for the employer. Exemptions from this rule may be granted by the employer or the employer's designee, in accordance with the procedures outlined in Section VI.B. of these rules, in special cases where it is clearly evident, from the nature of the particular officer or employee's state work, that the officer or employee cannot influence the amount of business done by such person with the employer.

C. Outside Work and Business Relationships

1. Performance of an act, in other than his or her capacity as a state officer or employee, knowing or having reason to know that such act will later be subject to the control, inspection,

review, audit or enforcement of such officer or employee.

2. Receiving or accepting money or any other consideration from any person, other than the State, for the performance of his or her duties as a state employee or officer.
3. Entering into or engaging in, any partnership, profit-sharing, employment or other business arrangement, including consulting services, with a person, knowing or having reason to know that such person (1) has, or may reasonably be expected to thereafter attempt to obtain, a contract or contracts with the employer or (2) sells, or may reasonably be expected to sell, equipment, services, or supplies to the employer, or (3) holds or is seeking a license, permit, or other entitlement for use from the employer. Exemptions from this rule may be granted by the employer or the employer's designee, in accordance with the procedures outlined in Section VI.B. of these rules, in special cases where it is clearly evident, from the nature of the particular officer or employee's state work, that the officer or employee cannot influence the amount of business done by such person with the employer.
4. Subject to any other applicable laws, rules, or regulations, not devoting his or her full time, attention, and efforts to his or her state office or employment during his or her hours of duty as a state officer or employee.

D. Acceptance of Gifts

1. Receiving or accepting, any gift, including money, any service, gratuity, favor, entertainment, hospitality, loan, or any other thing of value, from any person, who is or is seeking to contract with or perform services for the employer, or who holds or is seeking a grant, loan, permit or other entitlement from the employer, or whose activities are regulated by the employer, under circumstances from which it reasonably could be substantiated that the gift was intended to influence the employee or officer in his or her official duties or was intended as a reward for any official action performed by the

employee or officer.

E. Judicial Proceedings

1. Providing written or oral evidentiary statements contrary to adopted findings or decisions of the State Board or a Regional Board in any lawsuit or adjudicatory proceeding in which the State Board or a Regional Board:
 - a. Is a party;
 - b. Is a referee pursuant to Water Code Section 2000 et seq. (Court Reference); or
 - c. Has adopted an order determining the rights to the water of a stream system pursuant to Water Code Section 2700 (Statutory Adjudication);

except that such statements may be provided if: (1) the employee or officer is responding to a subpoena and is under oath or the employee or officer is, otherwise legally obligated to provide testimony or written statements or other documents; or (2) the employee or officer is pursuing administrative or legal action against his or her employer.

F. Improper Political Activities

1. Soliciting or receiving or attempting to solicit or receive any assessment, subscription, contribution or political service from any person for any political purpose, during working hours or on the premises of the employer's facilities.
2. Furthering, promoting, or advocating for or against the nomination or appointment of the employee or any other person to any political office, during working hours or on the premises of the employer's facilities, or by the use of state equipment, materials, or staff resources.

"Furthering, promoting, or advocating for or against" does not include the

expression of personal political opinions on candidates or issues.

Permissible activities include, but are not limited to, wearing political buttons or hanging political posters within the employee's or officer's working space, i.e., office or cubicle.

V. ADDITIONAL RESTRICTIONS ON POLITICAL ACTIVITY

A. Hatch Act

1. Authority

Federal law prohibits certain political activities by state employees. The general provisions are found in the Hatch Act, 5 U.S.C. Section 1501 et seq. and the regulations implementing the Act, 5 C.F.R. Sections 151.101 et seq.

2. Coverage

The Hatch Act applies only to officers and employees of the State Board and Regional Boards whose employment is in connection with an activity which is financed in whole or in part by loans or grants made by the United States or a federal agency. It is not required that a substantial percentage of the officer's or employee's work be concerned with federally financed activities for that employee to be affected by the Act. Officers or employees who supervise and review the work of employees whose work is financed by federal funds are within the scope of the Act. The Act may not be applied to an employee or officer whose work in connection with federally financed activities is considered negligible.

"Officers and employees", for purposes of the Hatch Act, includes not only officers and employees covered by the state civil service system, i.e., "officers and employees" as defined in Section III.5. of this Statement, but also appointive officers who are exempt from civil service. Therefore, State and Regional Board members, Regional Board

executive officers and the State Board executive director are covered by the Act.

3. Penalties for Violation

Substantial penalties may be imposed for violation of the Hatch Act. If the federal Merit Systems Protection Board determines that a state officer or employee has violated the Act and that the violation warrants removal from employment, the officer or employee must be removed from office or loan or grant funds to the State will be jeopardized. In view of the substantial penalties for violation, it is recommended that officers or employees who are in doubt as to their status under the Act seek further clarification from the Office of Chief Counsel.

4. Activities Prohibited by the Act

A state officer or employee who is covered under the Hatch Act may not:

- a. use his or her official authority or influence for the purpose of interfering with or affecting the result of an election or nomination for office;
- b. directly or indirectly coerce, attempt to coerce, command, or advise a State or local officer or employee to pay, lend, or contribute anything of value to a political party, committee, organization, agency, or person for a political purpose;
- c. be a candidate for elective public office in a partisan election, provided that this subsection does not apply to the governor or lieutenant governor or an individual authorized by law to act as governor, the mayor of a city, a duly elected head of an executive department of a State or municipality who is not classified under a State or municipal merit or civil service system, an individual holding elective office, activity in connection with a nonpartisan election, or candidacy for a

position of officer of a political party convention, member of a national, State, or local committee of a political party, or any similar position.

5. Activities Permitted by the Act

A state officer or employee who is covered under the Hatch Act may:

- a. Register to vote and vote.
- b. Express their opinions on all political subjects and candidates. This is frequently done by employees wearing badges or a button, or displaying stickers or posters on their cars or houses.
- c. Become members and hold offices in political parties, organizations or clubs. Officers and employees may attend meetings, vote on candidates and issues, and take active parts in the management of the club, organization or a party.
- d. Attend political conventions and participate in the deliberations or proceedings of the convention of any of its committees. Officers and employees may be candidates for, or serve as delegates, alternates or proxies at such convention, so long as such candidacy does not involve a public partisan election (such as a primary election). Volunteer work for a partisan candidate, campaign committee, political party or nominating convention of a political party is permitted.
- e. Campaign for a candidate in a partisan election by making speeches, writing on behalf of the candidate, or soliciting voters to support or oppose a candidate.
- f. Attend political meetings or rallies including committee meetings of political organizations, and may serve on committees that organize or direct activities at a partisan campaign meeting or rally.
- g. Sign nominating petitions for candidates in a partisan election for

public office, and may originate or circulate such petitions. An officer or employee may drive voters to the polls as a convenience to them. The items listed in this section are not all inclusive.

B. Activities Prohibited by California Government Code Section 3204

1. Directly or indirectly, using, promising, threatening or attempting to use, the officer or employee's² authority or influence (whether then possessed or merely anticipated) to confer upon or secure for any individual person, or to aid or obstruct any individual person in securing, or to prevent any individual person from securing, any position, nomination, confirmation, promotion, or change in compensation or position, within the state agency, upon consideration or condition that the vote or political influence or action of such person or another shall be given or used in behalf of, or withheld from, any candidate, officer, or party, or upon any other corrupt condition or consideration.

VI. PROCEDURE FOR CLARIFICATION

- A. It is not the desire of the State Board to inquire unreasonably into the private lives of State or Regional Board personnel. However, all officers and employees are obligated to avoid activities which are clearly inconsistent with the effective performance of their duties.
- B. An officer or employee who plans to engage in any employment, activity, or enterprise which might violate these rules is encouraged, whenever possible, to submit a written request to the employer's executive director or officer, as appropriate, for a determination of whether the activity is permissible. The written request should include a description of the activity which is in sufficient detail for the executive director or officer

²"officer and employee" is not confined to "officers and employees" as defined in Section III.d. It includes, in addition to civil service officers and employees, appointive officers who are exempt from civil service.

to determine whether the activity is permissible. The executive director or officer, after consulting with the Office of Chief Counsel will issue a written ruling to the employee within two weeks of receipt of the written request. If the officer or employee disagrees with the ruling, he or she may file a grievance at the appropriate level in accordance with the terms of the applicable employee bargaining agreement.

VII. STATE EMPLOYER-EMPLOYEE RELATIONS ACT

The provisions of this Statement are superseded by any applicable terms in a memorandum of understanding between the State and an employee bargaining unit, pursuant to the State Employer-Employee Relations Act, Government Code Sections 3512 et seq., to the extent that the provisions of this Statement alter or are in conflict with the applicable terms of the memorandum of understanding.

Dated: July 16, 1987

Original signed by James L. Easton 7/16/87
James L. Easton
Executive Director

EXHIBIT “5”

Applying Environmental Justice to Drinking Water Regulation

Scott J. Rubin and Robert Raucher

Executive Summary

Environmental justice (EJ) is a short-hand description for the concept that certain groups of people should not be subjected to greater levels of environmental harm just because they are members of the group. Evans and Marcynyszyn (2004) summarize studies conducted during the 1980s and 1990s as follows:

Environmental risks are not randomly distributed in the population. Instead, they are inversely correlated to income. Economically disadvantaged children live in noisier and more crowded homes and are exposed to more environmental toxins than their middle-income counterparts. ... Ethnic minorities also suffer disproportionate environmental risk

In 1994, the federal government recognized concerns with EJ with the signing of Executive Order 12,898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order directed the U.S. Environmental Protection Agency (EPA) (as well as certain other federal agencies) to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”

One of the primary areas where EJ concerns can arise is in the area of risk assessment. Historically, the risk assessment process was based on analyses “with reference to a generic person, typically the 70-kilogram (presumably white) male.” (Cranor 2008) Cranor cautions, however, that “risk assessors should reduce reliance on generalized exposure and susceptibility estimates, and attend much more to differences in the distributions of risk in communities and across communities ... [including] information in economically disadvantaged populations and the study of susceptible groups, including children.”

EPA (1995) has expressed the following EJ goals for its regulatory and enforcement programs:

No segment of the population, regardless of race, color, national origin, or income, as a result of EPA’s policies, programs, and activities, suffers disproportionately from adverse human health or environmental effects, and all people live in clean, healthy, and sustainable communities.

Unfortunately, EPA has failed to live up to this goal. Rather than making EJ – that is, impacts on racial minorities and low-income communities – a central part of the rulemaking process, both the Office of Inspector General (2004 and 2006) and the Government Accountability Office (2005) have found that EPA has failed to consider the special impacts of its regulations on these communities.

This failure also permeates EPA’s drinking water program. EPA’s Office of Groundwater and Drinking Water (“OGWDW”) annually publishes an action plan to integrate EJ into its operations. (US EPA 2009) The plan, however, does not even mention rulemaking activities, let alone describe how EJ concerns will be used to inform the rulemaking process.

Under the SDWA regulatory program, it appears that the most relevant EJ issues pertain to potential discriminatory impacts related to the economic status of households. This EJ issue is especially applicable in small rural communities, where household-level costs are especially high and household income levels tend

to be lower (e.g., Ottem et al., 2003). The result is a double whammy – relatively high per household costs borne by households that typically earn incomes below the national average.

For example, EPA's own analysis of the radon rule shows that approximately 75% of the systems above the proposed MCL serve 500 or fewer people. Households served by these systems would bear over 42% of the national compliance cost, but would receive only 6% of the public health benefits. (US EPA 1999b)

Research over the past several decades suggests that the price of a commodity such as water can affect the disposable income of a family, which in turn affects the money they can devote to other parts of their lives such as health care. This situation raises the spectre of a risk-risk (or health-health) trade-off. The trade-off is particularly acute in communities served by small water systems, as the economies of scale that keep water prices reasonable in large systems can fail to apply in the smaller systems.

Applying this type of analysis to the arsenic rule shows, once again, that EPA's failure to consider EJ in the rulemaking process resulted in a regulation that requires low-income households in small communities to pay dramatically more for regulatory compliance while receiving a much smaller (and potentially negative) public health benefit than would consumers in larger, higher-income communities.

Our analysis shows that the impacts of the arsenic and radon regulations on low-income, rural communities are severe and vastly out of proportion to the impacts borne by larger, higher-income communities. That is, households in low-income, rural communities are paying substantially more to comply with drinking water regulations, but are receiving a disproportionately smaller share of any health benefits. If EPA begins to comply with the Executive Order on Environmental Justice, then, in our opinion, it would be likely to result in drinking water regulations that mitigate the adverse impacts of such regulations that are being borne by low-income, rural communities.

What is Environmental Justice?

Environmental justice (EJ) is a short-hand description for the concept that certain groups of people should not be subjected to greater levels of environmental harm just because they are members of the group. While it is unavoidable that some people will bear greater levels of harm than others, those effects should be randomly distributed throughout the population. If they are not, then there are indications that environmental injustice may be occurring.

Evans and Marcynyszyn (2004) and Cranor (2008) review some of the history of environmental injustice, including reports during the 1980s and 1990s by the National Academy of Sciences and others showing that minorities, low-income communities, young children, and the elderly may be subject to inequitable levels of exposure to toxic pollutants and other environmental hazards. Evans and Marcynyszyn provide this cogent summary of earlier studies:

Environmental risks are not randomly distributed in the population. Instead, they are inversely correlated to income. Economically disadvantaged children live in noisier and more crowded homes and are exposed to more environmental toxins than their middle-income counterparts. ... Ethnic minorities also suffer disproportionate environmental risk

The federal government's concern with environmental justice became apparent in 1994 when President Clinton issued Executive Order 12,898: Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. The Executive Order directed each federal agency

involved in environmental protection, land use, and development to “make achieving environmental justice part of its mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority populations and low-income populations.”¹

A presidential memorandum accompanying the Executive Order explained that the order did not create new legal rights, but was designed to use “existing statutory provisions ... to prevent ... minority communities and low-income communities from being subject to disproportionately high and adverse environmental effects.”

The Relationship of Environmental Justice to Risk Assessment

An integral part of setting environmental regulations is the process of estimating the health risks from exposure to various contaminants, pollutants, and toxins. Historically, this process, generally known as risk assessment, was based on analyses “with reference to a generic person, typically the 70-kilogram (presumably white) male.” (Cranor 2008) EJ concerns, however, would require the analyst to ask more difficult questions: “what are the risks to those who differ from the generic person – for example, women, fetuses, children, the elderly, the genetically susceptible, and the already diseased, as well as minority and low-income individuals? What are the risks to heavily impacted communities?” (Cranor 2008)

Sexton (1997), Kuehn (1996), and other scientific and policy analysts have concluded that racial minorities and low-income people are more likely to have greater exposure to, and greater susceptibility to harm from, environmental toxins. Cranor (2008) concludes that these studies, and others, require regulatory agencies to place special attention on minority communities and low-income communities. Specifically, he states:

Risk assessors should reduce reliance on generalized exposure and susceptibility estimates, and attend much more to differences in the distributions of risk in communities and across communities. This would include, for example, “systematic, ongoing collection of exposure-related, health-related and susceptibility-related information in economically disadvantaged populations” and the study of susceptible groups, including children.

EPA’s Role in EJ

The Environmental Protection Agency (“EPA”) was designated the lead agency to coordinate and review federal activities relating to EJ. EPA has created an Office of Environmental Justice within its compliance and enforcement organization to conduct these activities.

After the Executive Order was issued, EPA developed its strategy for complying with the new requirements. (US EPA 1995) In that strategy document, EPA expressed its goals as follows:

No segment of the population, regardless of race, color, national origin, or income, as a result of EPA’s policies, programs, and activities, suffers disproportionately from adverse human health or environmental effects, and all people live in clean, healthy, and sustainable communities.

¹ The agencies subject to E.O. 12,898 are the Departments of Defense, Health and Human Services, Housing and Urban Development, Labor, Agriculture, Transportation, Justice, Interior, Commerce, and Energy; the Environmental Protection Agency; and various offices and councils that advise the President.

Importantly, in that same 1995 document, EPA stated that it “will work to ensure that environmental justice is incorporated into the Agency’s regulatory process.” It then explained that it would revise its guidance documents for developing regulations to include “ways to incorporate environmental justice into its regulatory development process.”

Does US EPA Consider EJ in the Rulemaking Process?

Unfortunately, EPA has failed to live up to this promise. Rather than making EJ – that is, impacts on racial minorities and low-income communities – a central part of the rulemaking process, EPA has failed to consider the special impacts of its regulations on these communities.

Studies began appearing in the late 1990s indicating that EPA and other federal agencies were not appropriately incorporating environmental justice into rulemaking and permitting decisions. (Balter 1999; Binder et al. 2001) For example, Binder and colleagues concluded in 2001 – seven years after the Executive Order was issued – that “integrating Environmental Justice (EJ) into program design has been relatively rare, and comprehensive assessment and analysis exceedingly uncommon. ... [There appear] to be only a few instances in which agencies have incorporated EJ principles and protections into programmatic design.”

Gerber (2002) reviewed more than 1,000 EPA regulatory actions between 1994 and 2002 and found that the agency conducted an EJ analysis for fewer than 70 of those regulations (approximately 6.7% of EPA’s regulations). He also found that EPA was essentially paying lip service to the requirements of the Executive Order. Gerber concluded: “Much more frequently the citation of EO 12898 was accompanied by language that simply indicated the order was in no way applicable to that particular rule. Similarly, very often the rule’s language indicated that while EO 12898 was potentially relevant, no evidence collected during the rule’s development suggested any EJ issues would obtain.”

In 2004, EPA’s Inspector General evaluated the agency’s implementation of the Executive Order and found that it was sorely deficient. (Office of Inspector General 2004) Among the conclusions reached in that review are the following:

- “EPA has not fully implemented Executive Order 12898 nor consistently integrated environmental justice into its day-to-day operations.”
- “EPA has not identified minority and low-income, or identified populations addressed in the Executive Order, and has neither defined nor developed criteria for determining disproportionate impacts.”
- EPA “has not developed a clear vision or a comprehensive strategic plan” for implementing the Executive Order.
- “There is an urgent need for the Agency to standardize environmental justice definitions, goals, and measurements for the consistent implementation and integration of environmental justice at EPA.”
- After President Bush and Administrator Whitman took office in 2001, EPA “changed the focus of the environmental justice program by de-emphasizing minority and low-income populations ...”

EPA disagreed with the Inspector General's report (US EPA 2004a). EPA did not agree that it was important to focus on the impacts that regulatory or permitting actions would have on minority or low-income communities. EPA continued to emphasize that it viewed its mission as promoting "environmental justice ... for all communities so that ... people of all races, colors, and income levels are treated fairly with respect to the development and enforcement of protective environmental laws, regulations, and policies." (US EPA 2004b, emphasis in original) In other words, EPA disputed the fundamental premise of the Executive Order: that minority communities and low-income communities tend to be overlooked in the regulatory and permitting process and were deserving of special attention.

Nevertheless, EPA did publish a toolkit for assessing EJ in 2004 (US EPA 2004b). In that document, EPA recognizes that data collection that could be used in assessing disparate impacts on minority or low-income communities must be "completed before determining whether an environmental injustice situation has occurred or is likely to occur." The Agency also emphasized the importance of assessing income levels "because one of the goals of environmental justice is to protect low-income populations against adverse, disproportionate environmental and health impacts."

In 2005, the Government Accountability Office ("GAO") reviewed three of EPA's regulations under the Clean Air Act and reached a conclusion similar to the Inspector General's findings. GAO (2005) found:

When drafting the three clean air rules, EPA generally devoted little attention to environmental justice. While EPA guidance on rulemaking states that workgroups should consider environmental justice early in this process, GAO found that a lack of guidance and training for workgroup members for identifying environmental justice issues may have limited their ability to identify such issues.

GAO also found that even though economic analyses for these regulations should consider EJ impacts, two of the regulatory analyses did not provide any information that could be used to evaluate disparate impacts on low-income or minority communities. Even more telling, GAO found that EPA's "initial reports used to flag potential issues for senior management did not address environmental justice" and that the chairs of two of the regulatory workgroups "said they did not consider environmental justice."

Based on its findings, GAO recommended that EPA "improve the workgroups' ability to identify environmental justice concerns – for example, by providing better guidance and training – and enhance the ability of its economic reviews to analyze potential environmental justice impacts."

The next year, the Inspector General conducted a follow-up report and found that EPA had not changed its practices. (Office of Inspector General 2006) The Inspector General again found that "EPA program and regional offices have not performed environmental justice reviews in accordance with Executive Order 12898 ... [and] EPA senior management has not sufficiently directed program and regional offices to conduct environmental justice reviews."

Has EPA Considered EJ in Drinking Water Regulation?

EPA's consideration of EJ when developing drinking water regulations is no different from its general failure to evaluate and analyze EJ in its other regulatory actions. For example, following is the complete discussion of EJ from the arsenic regulation published by EPA in 2001:

Executive Order 12898 establishes a Federal policy for incorporating environmental justice into Federal agencies' missions by directing agencies to identify and address

disproportionately high and adverse human health or environmental effects of its programs, policies, and activities on minority and low-income populations. The Agency has considered environmental justice related issues concerning the potential impacts of this action and consulted with minority and low-income stakeholders.

On March 12, 1998, the Agency held a stakeholder meeting to address various components of pending drinking water regulations and how they may impact sensitive sub-populations, minority populations, and low-income populations. Topics discussed included treatment techniques, costs and benefits, data quality, health effects, and the regulatory process. Participants included national, State, Tribal, municipal, and individual stakeholders. EPA conducted the meetings by video conference call between 11 cities. This meeting was a continuation of stakeholder meetings that started in 1995 to obtain input on the Agency's drinking water programs. The major objectives for the March 12, 1998 meeting were:

- Solicit ideas from stakeholders on known issues concerning current drinking water regulatory efforts;
- Identify key issues of concern to stakeholders, and;
- Receive suggestions from stakeholders concerning ways to increase representation of communities in EPA regulatory efforts.

In addition, EPA developed a plain-English guide specifically for this meeting to assist stakeholders in understanding the multiple and sometimes complex issues surrounding drinking water regulation. (U.S. EPA 2001)

Even though the arsenic regulation showed a cost impact that was more than ten times higher for households in small communities than it was for households in larger communities (as discussed later in this paper), EPA did not analyze whether affected small communities had disproportionate numbers of low-income or minority people, as the Executive Order would seem to require. Independent research, however, found that more than 50% of the counties that had small water systems affected by the arsenic rule had median household incomes that were well below the national average. (Rubin 2001)

Another policy analyst criticized EPA at around the same time for its failure to evaluate the impacts of the arsenic rule on low-income or minority communities. Sunstein (2001) wrote:

It would be extremely valuable to assemble information about the distributional consequences of regulation. The benefits of some regulations are enjoyed disproportionately by people who are poor and members of minority groups. The burdens of some regulations are imposed disproportionately on exactly the same groups. To assess the arsenic rule, it would be highly desirable to know whether poor people are mostly helped or mostly hurt. Would they bear high costs? Would the regulation operate as a regressive tax? Unfortunately, the EPA has not answered that question, though it would almost certainly be easy for it to do so. My own preliminary analysis suggests that the most significant financial burdens would be imposed on people with annual incomes well below the median – a point that is certainly relevant to overall evaluation.

A recent analysis of arsenic-affected water systems in Arizona found that there was no correlation between either income or race and the likelihood of being served by a Community Water System (CWS) with arsenic above the revised Maximum Contaminant Level (MCL, which was reduced from 50 to 10 ug/L

in the 2001 rulemaking). Thus, the study suggests that, in Arizona, there does not appear to be a statistical association between race or income and the likelihood of living in a zip code containing a regulation-impacted community. (Cory and Rahman 2009) While that study is an important addition to the literature on environmental justice for drinking water, its focus on one state does not provide sufficient information to determine whether there are EJ concerns for the arsenic regulation (or other drinking water regulations) nationwide.

Further, the Cory and Rahman (2009) analysis also does not examine differentials in household-level compliance costs, as arise across different CWS size categories due to economies of scale in arsenic removal technologies. Their analysis is based on zip code-level income and ethnicity data, which can mask important socio-economic variations within an impacted community. For example, a regulation-impacted CWS within a given zip code could be a relatively large water system (e.g., serving multiple zip codes) with modest per household costs or, alternatively, it could be a very small CWS serving a fraction of the zip code population at a high per household cost (e.g., a low income trailer court, or a relatively affluent gated subdivision). Finally, independent studies conducted after a regulation has been promulgated (or, as in the case of the Arizona study, after the regulation has been implemented), are not a substitute for the agency conducting a thorough environmental justice analysis prior to finalizing a regulation.

Thus, even though Executive Order 12,898 remains in effect, EPA consistently has failed to implement the provisions of the order that require EPA to assess the effects of its regulations on low-income communities. Indeed, there is strong evidence that at least some EPA regulations do impose much greater costs and/or lesser benefits on low-income communities than on higher-income communities. As of this writing, however, EPA continues to ignore these important issues when it promulgates regulations.

How is EPA's Office of Groundwater and Drinking Water Implementing EJ?

EPA's Office of Groundwater and Drinking Water ("OGWDW") annually publishes an action plan to integrate EJ into its operations. (US EPA 2009) The plan, however, does not even mention rulemaking activities, let alone describe how EJ concerns will be used to inform the rulemaking process.

OGWDW's plan for 2009 indicates that the office is conducting studies to determine potential disparate impacts of complying with existing drinking water regulations. For example, the plan states: "The Office currently is conducting a study to determine if there is a relationship between public water systems in noncompliance with drinking water regulations and environmental justice (or economically distressed) communities." The report also states that OGWDW will use its databases (including the Safe Drinking Water Information System and census data) to "identify whether significant demographic differences exist between populations served by systems in violation of health-based standards within geographic regions and systems not in violation."

These types of analyses could be useful in determining funding priorities and the need for variances and exemptions. They also could be used to inform future decisions about new drinking water regulations.

How Might Drinking Water Regulation Be Different if EJ Were Considered?

To understand how federal drinking water regulations and other SDWA-related policies might be different if EJ were taken more fully into consideration by EPA, there are two related questions that need to be addressed: (A) What are the relevant EJ issues within the context of the federal drinking water regulatory program?; and (B) What are the implications of these EJ issues for federal regulatory policies and related programs under the SDWA? Below, we address each of these questions in turn.

A. What are the relevant EJ issues in the drinking water regulatory context?

We can envision three potentially relevant scenarios under which EJ might arise in the context of EPA's implementation of the federal drinking water regulatory program under the SDWA:

1. ***Protecting sensitive subpopulations*** (e.g., fetuses, children, elderly, those with compromised immune systems). Sensitive subpopulations typically are protected through the deployment of the Agency's standard risk assessment protocols in the MCL Goal (MCLG) and MCL setting process. In particular, under the SDWA, MCLGs are to be established in a manner that ensures "no known or anticipated adverse effects on the health of persons occur and which allows an adequate margin of safety" for even the most sensitive and most exposed persons. Hence, EJ with respect to sensitive subpopulations is generally a non-issue under the SDWA, unless an unlikely scenario arises where an MCL is set so far above the MCLG that sensitive subpopulations could be at undue risk at the enforceable standard.
2. ***Setting or enforcing standards with potential racial or ethnic bias***. This situation might arise if regulations require compliance efforts in a disproportionately high percentage of communities that have relatively large minority populations (which is the issue explored by Cory and Rahman, 2009). Alternatively, this situation could arise where prolonged noncompliance with SDWA regulations occurs and is allowed to continue in water systems serving a relatively high proportion of minority residents.
 - a. In the former case, where the standard itself affects minorities disproportionately, the distribution of the regulatory impact may be simply an issue of where source waters happen to exceed MCLs. Where such a situation arises for a naturally occurring contaminant (e.g., radon or arsenic), then this would reflect natural occurrence patterns (e.g., geology) rather than any inherent bias in policy-making. If instead the regulated compound is introduced into the source waters by a human process (e.g., as effluent discharged by a factory, or as leachate from a landfill), then the EJ issue is predominantly one of potentially inequitable wastewater or hazardous waste regulation and enforcement (rather than a SDWA-related injustice, *per se*), and the "polluter pays" philosophy should guide efforts to remedy the problem.
 - b. If the issue pertains to bias in the enforcement of a drinking water standard, then there may well be relevant EJ issues associated where EPA (or the primacy state) inequitably allows water systems with relatively large minority populations to remain out of compliance for extended periods. In this context, the lack of enforcement results in a disproportionate share of minority populations being exposed to contaminants at levels above the MCL. However, if the cause of persistent noncompliance reflects a situation where much of the community is unable to pay for necessary water treatment, then this is more an affordability issue than an ethnic or racial matter (and thus falls into the third EJ category, described below).
3. ***Over-burdening low and fixed income households***. Compliance-related escalations in household bills for a necessity like potable water may create economic distress in low income households, especially where compliance with drinking water regulations results in a significant increase in the water bills for a household (e.g., several hundred dollars per month). While the burden of paying for MCL-related compliance costs can be difficult for the urban poor, the largest financial burdens are likely to fall on the rural poor and others of limited means who are served by small CWS. This is because small utilities cannot realize the economies of scale in water treatment that can be enjoyed in larger systems. The imposition of considerably higher per household compliance costs in smaller

CWS (e.g., by a factor of 100 compared to large urban systems) introduces an inequitable cost burden on the impacted low income households.

Under the SDWA regulatory program, it appears that the most relevant EJ issues pertain to potential discriminatory impacts related to the economic status of households (the third issue above, affordability) rather than physical sensitivity or potential ethnic/racial bias (the first two issues described above). This means that impacts on low income households are the most relevant focal point for EJ considerations under the federal drinking water regulatory program.

This EJ issue is especially applicable in small rural communities, where not only are the household-level costs especially high, but also household income levels tend to be lower in such areas (e.g., Ottem et al., 2003). The result is a double whammy – relatively high per household costs borne by households that typically earn incomes below the national average.

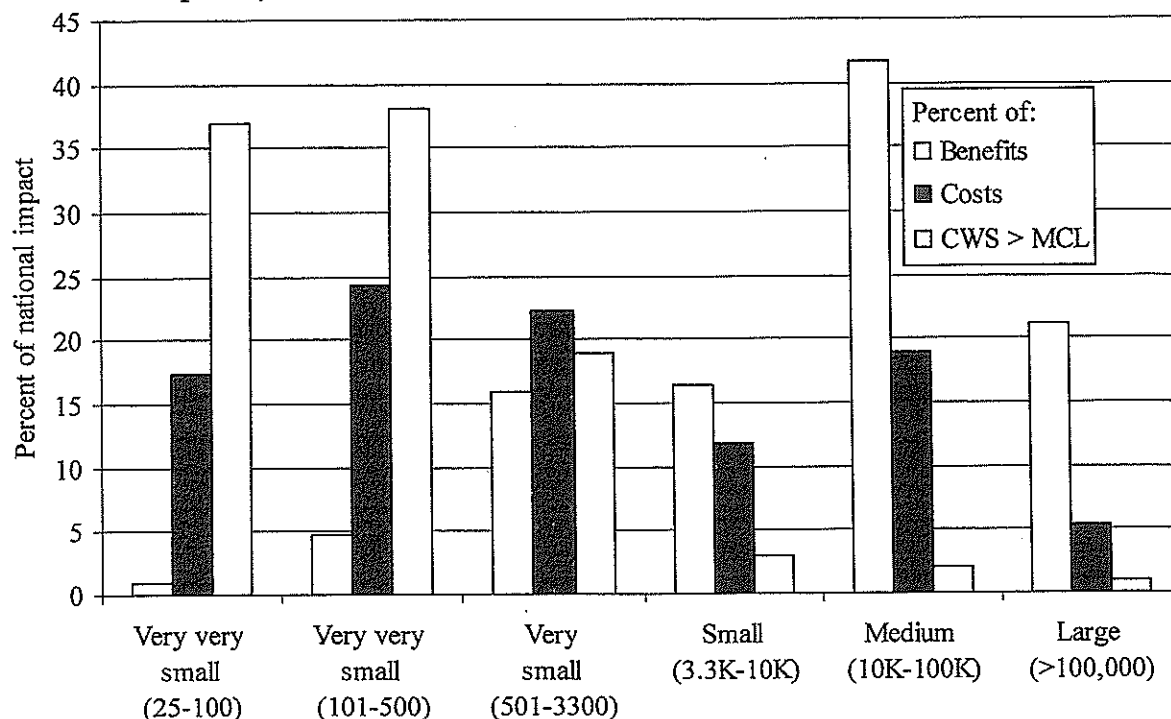
The household-level compliance costs in small CWS are inequitable because the rural poor need to pay far more for the same level of regulatory-mandated risk reduction than do their counterparts served by larger CWS. Further, the magnitude of the cost burden (especially for the rural poor in small CWS) may result in household financial distress and, perhaps, elevated health risks associated with the decline in their effective disposable income (Rubin et al., 2008). When such cost-associated risks arise for economically disadvantaged households in small CWS, these households actually are likely to realize a lesser *net* risk reduction than the more affluent or those in larger communities. This is because some of the MCL-generated risk reductions may be offset by the risks imposed by the high cost. (Raucher et al., 2009; Lawson et al., 2009).

B. What are the EJ implications for the federal drinking water regulatory program?

The EJ issue arising from high compliance costs in small CWS is significant, because there are so many relatively small CWS, and some EPA regulations predominantly impact such systems. For example, Figure 1 shows a system size-based breakdown of EPA's estimates for the share of national regulatory

benefits and costs for the radon MCL proposed by EPA (US EPA, 1999). This shows that the radon

Figure 1. Percentage of national regulatory benefits and costs for radon, by system size (at MCL = 300 pCi/L).



rule affects predominantly small systems, and the costs borne by small systems are disproportionate to the health benefits received.

As shown in Figure 1, EPA's analysis of the 1999 proposed rule (MCL of 300 pCi/L) indicates the following:

- ▶ Roughly 37% of the systems above the proposed MCL serve 100 or fewer people, and the households served by these systems would bear nearly 18% of the national rulemaking's cost, but receive only about 1% of the national benefits.
- ▶ Roughly 75% of the systems above the proposed MCL serve 500 or fewer people, and the households served by these systems would bear over 42% of the national rulemaking's cost, but receive only 6% of the benefits.
- ▶ Roughly 94% of the systems above the proposed MCL serve fewer than 3,300 people. The households served by these systems would bear over 65% of the national rulemaking's cost, but receive only 22% of the benefits.

These percentages may change at different MCLs. Nonetheless, the basic result is likely to remain — that small systems will bear a disproportionate share of the regulation's cost relative to the share of benefits received. Analyses performed by EPA and other stakeholders indicate that benefits from the proposed radon rule are likely to be less than costs, even at the national aggregate level (e.g., Raucher and Crawford-Brown, 2004). Because compliance costs per household tend to be much greater in small systems than in larger ones (due to economies of scale in treatment), the risk-cost tradeoffs associated with the radon MCL in small systems are not likely to support an MCL as stringent as or in the range of the level originally proposed (Raucher and Crawford Brown, 2004).

This leads to the issue of policy implications. EJ is a double-edged sword. On one hand, there is a fairness-related philosophy that implies federal regulators should provide equal protection from health risk to all households regardless of community size, income, or ethnic composition. This line of reasoning typically is taken to infer that a national, uniform MCL needs to apply equally to all. However, as shown in the risk tradeoff discussion associated with the arsenic standard (discussed below), the equal protection philosophy does not necessarily correspond to applying the same MCL uniformly to all communities.

On the other hand, an equally valid and compelling EJ reasoning indicates that it is inequitable to make households served by small CWS spend 10 to 100 times more to obtain the same level of health risk reduction from an MCL than do their counterparts served by larger systems. In this context, EJ would be aimed at providing a more equitable allocation of the compliance costs borne per level of health risk reduction benefit enjoyed by the public.

In either instance, there are four fundamental types of potential solutions to the inequities associated with small CWS affordability issues. One option is to establish less stringent MCLs for smaller, economically challenged communities, so that the household-borne costs of compliance can be reduced to a

point that is sufficiently less burdensome, and such that a more suitable risk-cost balancing can be attained for small system customers. This “dual standard” approach is typically considered only for contaminants that pose a risk from long-term, chronic exposures, and not to pathogens that pose acute risks, and was envisioned in the “small system variance technology” provision of the 1996 SDWA Amendments. It was also proposed in a somewhat modified form by EPA, a decade later, with its 2006 affordability proposal that a level of up to three times the MCL could be accepted as protective of human health (Federal Register, 2006). The dual standard approach has been opposed, however, when characterized as unfairly providing lesser health protection to people served by small CWS.

A second type of option is to provide federal financial relief to small water systems (or low-income households), to defray a suitable portion of MCL compliance costs. The logic is that if society deems it inequitable and inappropriate to have dual standards that allow less stringent MCLs for small systems, then society as a whole should pay to offset the financial burden that uniform standards impose on small communities, and the poor in general. This funding might take the form of grants or other subsidies to small CWS, or might be targeted directly to low-income households adversely impacted by MCL-related costs. The problem with this approach – even in relatively prosperous times – is that neither the executive nor legislative branches of the federal government have been inclined to allocate sufficient funds for such a program (beyond what is already allocated via existing programs such as the State Revolving Fund, which offers a limited amount of federal funds for state-allocated subsidized loans).

A third option is to significantly reduce the number of small systems, by facilitating or mandating some form of regional or other consolidation into larger utilities where economies of scale in treatment may be realized. There are many types of regional solutions that can be highly beneficial under suitable circumstances (Raucher et al., 2006; Cromwell and Rubin, 2008). However, there are also many technical, economic, and other physical and institutional barriers that make consolidation-based solutions untenable in many small system contexts (Raucher et al. 2006; Ottem et al., 2003).

Each of the three general alternatives described above have their advantages, disadvantages, limitations, and detractors. Due to these conflicts, U.S. policy-makers have not implemented any of these generic choices, and have not considered the serious EJ impacts of drinking water regulations. The consequence is the status quo (or the fourth option – ignore the problem) which (1) applies uniform standards, where the standards are based on the large CWS context, (2) does not provide sufficient federal funding to small systems (or highly burdened households) to address the problem, (3) results in high levels of observed small system noncompliance and enforcement issues (which are themselves difficult to resolve due to the high costs of compliance and limited resources in small communities), and (4) imposes economic hardships on many households served by those small systems that make significant efforts to comply.

Case Study: EJ of the Arsenic Regulation for Drinking Water

As noted above, the existing national policy (uniform standards with a disparate economic impact on small communities) includes some MCLs that – due to their very high relative costs for low-income households served by small CWS – may be considered inequitable. Further, recent research by the author

and their colleagues has shown that the status quo may be harmful on a net risk basis for many households served by small CWS. (Raucher et al. 2009; Lawson et al. 2009).

Research over the past several decades suggests that the price of a commodity such as water can affect the disposable income of a family, which in turn affects the money they can devote to other parts of their lives such as health care. This situation raises the spectre of a risk-risk (or health-health) trade-off. The trade-off is particularly acute in communities served by small water systems, as the economies of scale that keep water prices reasonable in large systems can fail to apply in the smaller systems, leading to a significant rise in the cost of water supply to these communities. Table 1 shows EPA's estimated costs of compliance for the arsenic rule. (US EPA 2000). This illustrates the problem: to achieve the same level of public health protection is orders of magnitude more costly in smaller water systems than it is in larger systems.

Table 1. Mean Annual Costs per-Household of the Arsenic MCL (10 ppb)

CWS Size Category (population served)	EPA-Estimated Annual Cost per-Household
25-100	\$407
101-500	\$202
501-1,000	\$88
1001-3300	\$72
3301-10,000	\$47
10,001-50,000	\$40
50,001-100,000	\$31
100,001-1 million	\$25
More than 1 million	\$1
Weighted average across all size categories	\$39

Source: US EPA 2000 and Sunstein 2001, updated to 2007 dollars

For more than two decades, researchers have been studying the relationship between income and health at the household level. This literature is reviewed in detail elsewhere (e.g., Rubin et al., 2008). In general, authors have concluded that there is a strong correlation between income and mortality, regardless of race, gender, or other factors (Rogot and Sorlie, 1992; Lin et al., 2003). Further studies found that this correlation was much stronger at lower income levels than it was at higher income levels (Backlund et al., 1999), and there also was a strong correlation between income and the incidence of various diseases including diabetes, heart disease, stroke, tuberculosis, influenza, and lung cancer (Rubin et al., 2008).

Elsewhere, we show that the arsenic regulation has a meaningful probability of causing significant offsetting public health risks for low-income households in small communities. These risks are due to the high cost of compliance in such communities. (Raucher et al. 2009) Specifically, Table 2 shows the results of an uncertainty analysis that asked the following question: *How likely is it that the health risks caused by rising water costs would be larger than the reduction in health risks caused by treating the water to remove arsenic?* The results in Table 2 thus indicate that for a move from 20 µg/L to 10 µg/L of arsenic in very small systems, there is a 12% probability that the cost-imposed health risk would outweigh the arsenic-associated risk reduction.

Table 2. Probability that the number of adverse effects from rising water costs is larger than the decrease in number of cancer cases from arsenic in water. Source: Raucher et al. 2009

		Post-treatment [As] concentration (µg/L)			
		1	5	10	20
Pre-treatment [As] concentration (µg/L)	5	30%			
	10	13%	23%		
	20	6%	8%	12%	
	50	2%	2%	3%	4%

As a more concrete example, consider a community with 10,000 people (the size is large here just so the risks appear as numbers that can be easily interpreted). The original water concentration is 15 µg/L, and the MCL is set at 10 µg/L. Based on the EPA risk factor for arsenic, this reduction in arsenic “saves” 45 cases of cancer, about half of which would be fatal.

By contrast, the treatment costs of \$407 per household per year would increase the number of other health effects by $5.6 \times 10^{-6} \times 407 \times 10000$, or 22. So the adverse health effects from rising water costs might be on the same scale as the reduction in cancer cases through treatment. If a small rural community has a relatively large proportion of low income households compared to the national average (which many do), then the cost-associated health impacts are expected to be even larger, and would result in an even lower net benefit from the removal of the arsenic.

Conclusion

Executive Order 12,898 requires EPA to consider the effects of its regulations and other decisions on low-income and minority communities. The Inspector General and Government Accountability Office have criticized EPA for failing to comply with the Executive Order and consider environmental justice concerns in EPA’s rulemaking and permitting decisions.

There are strong indications that recent drinking water regulations have a serious, adverse, and disproportionate impact on rural, low-income communities – an impact that was not considered by EPA during the rulemaking process. We reviewed two recent regulations, the arsenic and radon regulations. Our analysis shows that their impacts on low-income, rural communities are severe and vastly out of proportion to the impacts borne by larger, higher-income communities. Indeed, our analysis of the arsenic regulation concludes that many of the health benefits in these small communities may actually be eroded by the excessive cost of complying with the regulation. As a consequence, households in low-income, rural communities are paying substantially more to comply with drinking water regulations, but are receiving fewer (if any) health benefits.

This type of disproportionate impact is the very type of outcome that the Executive Order requires EPA to evaluate and seek to avoid. If EPA begins to comply with the Executive Order, then, in our opinion, it would be likely to result in drinking water regulations that mitigate the adverse impacts of such regulations that are being borne by low-income, rural communities.

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EXHIBIT “6”

POINTS AND AUTHORITY IN RE: LENDER LIABILITY ACTIONS IN GENERAL

Statutory Background

In 1980, Congress passed the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund), which dramatically altered the liability exposure of fiduciaries involved in the management or ownership of real property.

The liability scheme of CERCLA is strict, joint, and several.

CERCLA authorizes the Environmental Protection Agency (EPA) to either (1) perform the cleanup of hazardous substances and then seek reimbursement from responsible parties or force responsible parties to perform the cleanup.

Clean Water Act (CWA). Concerned with water pollution. Sets standards for discharge of pollutants. Calls for fishable and swimmable water throughout the U.S.

Safe Drinking Water Act (SDWA). Designed to protect underground drinking water. Sets drinking water quality standards and enforces certain well requirements.

Resource Conservation and Recovery Act (RCRA). Establishes a hazardous waste management program to regulate hazardous waste. Establishes a system for registering and regulating underground storage tanks and also mandates requirements and rules for transportation and storage of hazardous materials.

Fiduciary Duty

The breach of a fiduciary duty is another theory of lender liability that has attracted a lot of attention recently. If a fiduciary duty is found to exist, the lender must put the borrower's interest ahead of its own. This requirement makes it easier for the borrower to establish lender liability. A fiduciary relationship is one in which one party places trust and confidence in another who thereby gains domination and superiority over the first party.

Environmental Liability

Lender could be liable for hazardous waste cleanup costs as an "owner or operator" under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA) and the Superfund Amendments and Reauthorization act of 1986 (SARA).

Direct Liability as Principal

Under proper circumstances, a lender may be directly liable to third parties as a principal or alter ego of the borrower. For this liability to exist, more must be found than the holding and protection of a security interest.

Prima Facie Tort

A lender liability tort claim may be asserted by a borrower when no traditional tort such as fraud or misrepresentation exists.

Duty to Insure

Lenders have unwittingly found themselves exposed to liability when the lender is involved in the insurance of the property or the borrower. In such cases the lender may have the same malpractice exposure as an insurance broker.

EXHIBIT “7”

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EXHIBIT “8”

FACTS

FACTS ABOUT AQUIFER

6. *An aquifer is an underground layer of water-bearing permeable rock or unconsolidated materials (gravel, sand, or silt) from which groundwater can be extracted using water well. The study of water flow in aquifers and the characterization of aquifers is called hydrogeology.*

FACTS ABOUT ABANDONEMENT OF AQUIFERS

If treatment or remediation of polluted groundwater is deemed to be difficult or expensive, then abandoning the use of aquifer's groundwater and finding an alternative source of water is the only other option.

FACTS ABOUT LEGISLATION

7. *In November 2006, the Environmental Protection Agency published the Ground Water Rule in the United States Federal Register. The EPA was worried that the ground water system would be vulnerable to contamination from fecal matter. The point of the rule was to keep microbial pathogens out of public water sources. The 2006 Ground Water Rule was an amendment of the 1996 Safe Drinking Water Act. The ways to deal with groundwater pollution that has already occurred can be grouped into the following categories: Containing the pollutants to prevent them from migrating further; removing the pollutants from the aquifer; remediating the aquifer by either immobilizing or detoxifying the contaminants while they are still in the aquifer (in-situ); treating the groundwater at its point of use; or abandoning the use of this aquifer's groundwater and finding an alternative source of water.*

FACTS ACCORDING TO UNITED STATES GEOLOGICAL SURVEY (USGS)

At link: http://water.usgs.gov/nawqa/trace/pubs/gw_v38n4/

8. *"Concentrations of naturally occurring arsenic in ground water vary regionally due to a combination of climate and geology. Although slightly less than half of 30,000 arsenic analyses of ground water in the United States were ≤ 1 $\mu\text{g/L}$, about 10% exceeded 10 $\mu\text{g/L}$. At a broad regional scale, moderate to high arsenic concentrations appear to increase from east to west across the United States, although high concentrations exist in all physiographic provinces. Arsenic concentrations in ground water of the Appalachian Highlands and the Atlantic Plain generally are very low. Concentrations are somewhat greater in the Interior Plains and the Rocky Mountain System. Ground water in the Intermontane Plateaus and Pacific Mountain System of the western United States more commonly contains arsenic concentrations > 10 $\mu\text{g/L}$ compared with that in the eastern physiographic provinces. Investigations during the last decade in New England, Michigan, Minnesota, South Dakota, Oklahoma, and Wisconsin suggest that moderate to high arsenic concentrations (> 10 $\mu\text{g/L}$) are more widespread and common than previously recognized. "High" concentrations are defined as above the Environmental Protection Agency's established Maximum Contaminant Levels (MCLs) or other non-regulatory health-based levels for constituents or elements not having MCLs."*

9. *At Link: <http://www.mojavewater.org/files/HelendaleFaultStudy03-4069.pdf>*

Page 41: "Arsenic concentrations in water from nine wells in the regional aquifer ranged from less than the detection limit of 2 to 130 $\mu\text{g/L}$ with a median concentration of 11 $\mu\text{g/L}$ "

ACCORDING TO STAKEHOLDERS, AQUIFERS ARE ALSO "PRIVATE WATER SYSTEMS"

10. *Typically, private water systems that serves more than 25 people at least 60 days of the year and have more than 15 service connections are regulated by the EPA. Polluted ground water could cause illness.*

FACTS ABOUT GROUND WATER AND DOMESTIC WATER WELL

11. *When rain falls, much of it is absorbed into the ground. Water that's not used by plants moves downward through pores and spaces in the rock until it reaches a dense layer of rock. water trapped below the ground in the pores and spaces above the dense rock barrier is called ground water, and this is the water we get when we drill wells. Another common term for ground water is "aquifer" or "ground water aquifer."*

FACTS ABOUT ARSENIC IN GROUND WATER

Fact Sheet For Arsenic

12. *Per the State of California Lahontan Water Board Attachment G, Page 6, ... "the federal and state MCL for arsenic is 10 µg/L. The US Geological Survey conducted sampling for various constituents in wells in the Mojave Water Agency management area from 1991 to 1997, including wells in the Hinkley area. The study found arsenic in wells (up to 200 feet in depth) ranging from less than 1 µg/L to 12 µg/L with most concentrations under 10 µg/L. While the USGS study was conducted after the release of chromium from the Hinkley Compressor Station, sampling occurred before the use of carbon amendment injections to groundwater, and thus reflects levels prior to in-situ remediation". Thus, the In-Situ / Agricultural operations, implemented by PG&E, has subsequently caused (anthropogenic causation factor) the poisoning of ground waters with Arsenic, at substantially more than the average of 3 ppb for naturally occurring arsenic in ground waters, now found at almost all wells. Arsenic is released from a variety of anthropogenic sources (USEPA), including waste incineration. (not limited to industrial facility's cooling towers). These anthropogenic releases of arsenic can elevate environmental arsenic concentrations. Human exposure to arsenic can result in a variety of chronic and acute effects. In particular, there is evidence that associates chronic arsenic ingestion at low concentrations with increased risk of skin cancer, and that arsenic may cause cancers of the lung, liver, bladder, kidney, and colon (ATSDR, 1998). Because of the human health risks associated with arsenic, USEPA regulates the level of arsenic in drinking water at MCL of 10 ppb and Legal Reporting Limit at 2 ppb. [Mandatory]. (Anthropogenic Sources of Arsenic is from man-made sources, such as In-Situ and Agricultural Operations, implemented by PG&E in Hinkley, CA)*

FACTS ABOUT URANIUM IN GROUND WATER

Fact Sheet for Uranium

13. *The average concentration of uranium in the groundwater of the United States is about 2 pCi per liter (pCi/L). The average concentration in U.S. soils is about 2 pCi/g (3 ppm); The U.S. Environmental Protection Agency's (EPA) drinking water standard for uranium is 20 pCi/L (EPA 2009). Uranium present in the rocks and soil as a natural constituent represents natural background levels. Average Uranium Concentrations in Drinking Water for California was reported at average of 2.7 pCi/L (picocuries per liter). Gross beta particles are a form of radiation that can pollute drinking water when disturbances, such as In-Situ Remediation for Hexavalent Chromium is in place, which mobilizes radioactive minerals. Gross beta radiation is a known human carcinogen. Because any level of exposure to gross beta radiation can cause cancer, EPA has set a health goal of zero for this radioactive contaminant. Any exposure to this radioactive contaminant poses cancer risk. The maximum level set by EPA is at 15 pCi/L and the required by law disclosure on detection level is at 1 pCi/L. Therefore, anthropogenic (human activities, such as PG&E's In-Situ and Agricultural Treatment operations, are the cause for poisoning ground waters, not natural processes as the cause. Concentration for Uranium, greater than the background level (naturally occurring level) of 2.7 pCi/L must be immediately investigated by the regulatory governmental agencies. Concentration greater than the legal reporting limit of 1 pCi/L, trigger mandatory disclosure as required by law.*

FACTS ABOUT SAMPLING OF GROUND WATER IN AQUIFER

14. **SAMPLING** Two persons Required – "clean hand" and "dirty hand". No purging (rinsing well casing prior to sampling, since it will dilute and/or cause oxidation in event Arsenic and or Uranium are dissolved and/or in decay stage, and total, (not filtered) sample sent to analytical laboratory will indicate the true result. EPA Method of filtering a sample prior to laboratory's test, by injection tool with filter attached at the end, is construed as filtered sample, and water sample will not indicate the true reading of any toxic substance.

FACTS ABOUT MOVEMENT OF GROUND WATER

Fact Sheet For Ground Water Movement

15. *Per UNITED STATES GEOLOGICAL SURVEY (USGS) "Water is recharged to the groundwater system by percolation of water from precipitation and then flows to the stream through the groundwater system". "Water pumped from the groundwater system causes the water table to lower and alters the direction of groundwater movement. Some water that flowed to the stream no longer does so and some water may be drawn in from the stream into the groundwater system, thereby reducing the amount of streamflow." "Contaminants introduced at the land surface may infiltrate to the water table and flow towards a point of discharge, either the well or the stream."*

"There are three types of movement of groundwater or the water table that we should be familiar with: percolation of infiltrated water, raising and lowering of the water table, and downslope flow of groundwater."

"Permeability is a measure of how fast water will flow through connected openings in soil or rock." "The capacity of soil or rock to hold water is called porosity." "Water seeping into an aquifer is known as recharge." "Groundwater that becomes trapped under impermeable soil or rock may be under pressure. This is called a confined or artesian aquifer." "Groundwater moves very slowly from recharge areas to discharge points. Flow rates in aquifers are typically measured in feet per day. Flow rates are much faster where large rock openings or crevices exist (often in limestone) and in loose soil, such as coarse gravel."

"Induced pressure in the aquifer's ground water is due to excessive pumping in connection therewith the In-Situ and Agricultural Treatment Operation, and creates unstable ground water movement in all directions, not just down gradient, and in such an event, the saturated areas in many aquifers beneath the town of Hinkley, CA 92347 is prone to receive poisonous substances at various times and at various concentration over the regulatory maximum legal limits. While, recharge or other hydrostatic pressure could alter the ground water movement, the fact that excessive pumping has occurred and is occurring, is the most certain cause for chaotic ground water movement, causing unprecedented cross contamination with toxic substances that were disturbed due to such excessive pumping, including but not limited to excessive irrigation of many alfalfa fields in Hinkley, CA 92347 resulted therefrom the In-Situ and Agricultural Treatment Operation. Other causes for chaotic movement of ground water saturated with disturbed and dissolved toxic substances are other, deemed as experimental methods, such as bioreactor and other, deemed as failed operations to remove the historic contamination of Hexavalent Chromium for 60-years, out of aquifers beneath Hinkley, CA 92347"

FACTS ABOUT PURPORTED LOCKHART EARTHQUAKE FAULT

Fact Sheet For Purported Lockhart Earthquake Fault

16. *"Certain Earthquake Faults in California are undetermined and therefore construed as purported to exist, and are unconfined and have no surface expression (no surface trace like other certain faults), including but not limited to the Lockhart Earthquake Fault, purported to be located within the town of Hinkley, CA 92347, and therefore construed as not only highly speculative in regards to location in the town of Hinkley, CA 92347, but highly speculative as to cause impediment in ground water movement within the Hinkley, CA 92347 aquifers."*

According to California State University, Fullerton Department of Geological Sciences, Reports and Maps, link:http://groundwater.fullerton.edu/Mojave_Water_Agency/Basin_Reports_files/Harper%20Lake%20Basin%20Watershed%20Report%20Final.pdf, Page 21 Map, the purported Lockhart Earthquake Fault is not located in the town of Hinkley, CA 92347, and is at least 14-miles away from Hinkley, CA 92347, including but not limited to that there is no impediment to ground water movement in the aquifers within the town of Hinkley, CA 92347 further supported non-existence at Map of Page 158.

"Substantial testing of aquifers in the town of Hinkley, CA 92347 was recently conducted and during 1968-1978 testing by Department of Interior, in the vicinity of the purported Lockhart Earthquake Fault and the facts remains that due to results of tests on each side of the purported Lockhart Earthquake Fault, yielded detection of toxic substances, including but not limited to recently detected Arsenic and Uranium"

"Any other scientific theory attempting to contradict such facts exhibited herein are construed as highly speculative and biased, and therefore inadmissible".

FACTS ABOUT AGRICULTURAL TREATMENT OPERATIONS AND IN-SITU OPERATIONS

Fact Sheet For Agricultural Treatment Operations and In-Situ Operations

17. Based upon the facts described herein below, treatment technology for Chromium (VI), by the purported "Agricultural Treatment Operations and In-Situ Operations", more specifically described therein link:

"[http://engr.uconn.edu/~baholmen/docs/ENVE290W/National%20Chromium%20Files%20From%20Luke/Cr\(VI\)%20Handbook/L1608_C08.pdf](http://engr.uconn.edu/~baholmen/docs/ENVE290W/National%20Chromium%20Files%20From%20Luke/Cr(VI)%20Handbook/L1608_C08.pdf), appear to be highly speculative, since removal of Chromium (VI) from ground drinking water is more difficult to remove, and there is no factual evidence that the Chromium (VI) is converted to Chromium (III) by implementation of purported "Agricultural Treatment Operations nor by the purported In-Situ Operation".

"Treatment Technologies for Chromium(VI).

Hexavalent Chromium Cr(VI) is far more mobile than Cr(III) and more difficult to remove from water.

It is also the toxic form of Cr, presumably owing to the stronger oxidizing potential and membrane transport of Cr(VI) (Katz and Salem, 1992).

Typically, natural Cr concentrations are dwarfed by anthropogenic contamination. Dissolved concentrations of total Cr in groundwater from natural processes are typically below 10 mg/l (Richard and Bourg, 1991). A yellow color is imparted to the water at about 1 mg/l Cr(VI) (Palmer and Wittbrodt, 1991)

8.1.4 Physical Remediation Processes Chemical and biochemical processes render Cr(VI) unavailable by converting it to the less toxic and less mobile Cr(III) form.

Physical processes separate Cr(VI) from the contaminated media (such as groundwater extraction) capture the extracted Cr (using ion exchange resins or granular activated carbon (GAC)), and/or isolate the contamination."

8.2.3 Containment Other technologies focus on preventing the spread of contamination into larger areas.

These containment technologies include stabilization or solidification, biostabilization, phytostabilization, precipitation, encapsulation, and vitrification of soil. Slurry walls and other physical barriers are used for groundwater containment.

Passive in-situ remediation can be achieved by permeable reactive barriers, and hydraulic containment can be attained through pump-and-treat (this process may be enhanced by addition of surfactants).

Containment technologies focus on either isolating the contaminants (in the case of in-situ slurry walls) or immobilizing them.

Passive remediation may occur as groundwater leaves the containment zone, as in the case of permeable reactive barriers.

However, no attempt is made to decrease concentrations of Cr(VI) within the containment zone. In summary, remediation technologies focus on either decreasing toxicity (reducing Cr(VI) to Cr(III)), removing Cr from soil/groundwater or confining the Cr to a certain area.

8.5 Containment Technologies Containment technologies are used to either physically stop the spreading of groundwater plumes or to chemically immobilize contaminants in a nonexchangeable, insoluble form.

Most containment technologies are performed in-situ, with the exception of soil vitrification prior to landfill disposal.

Groundwater containment technologies involve the construction of a physical, chemical, or hydraulic barrier that isolates the impacted zone, either directing impacted water through a treatment zone or stopping its migration.

18. AGRICULTURAL TREATMENT OPERATIONS / IN-SITU REMEDIAL OPERATION'S FACTS

According to Pacific Gas and Electric Company own admission, at PG&E's website link:

<http://www.pgecurrents.com/2011/03/30/pge-continues-work-to-cleanup-hinkley-starts-community-group/>

Such operations are purported to "convert Chromium (V) to Chromium (III), by pumping ground drinking water contaminated with Chromium and irrigating the roots of alfalfa in alfalfa fields and such alfalfa roots, by microbial process, are purported to convert the Chromium (VI) to Chromium (III)", which assertions are also highly speculative. In September 2010, PG&E presented a feasibility study to the Water Board. Additional documents were submitted in January and March of 2011. The company's recommended alternative uses in-situ treatment in areas with higher concentrations, and agricultural treatment in areas with lower concentrations. PG&E estimates that it will take 40 years for the cleanup to achieve background levels of chromium. The in-situ process starts by injecting food-grade material, such as grain alcohol, into the groundwater to stimulate the growth of naturally occurring bacteria.

This bacteria turns hexavalent chromium into trivalent chromium, a naturally occurring substance. Once converted, the trivalent chromium leaves the groundwater and become part of the surrounding soil.

The agricultural treatment removes chromium by growing crops, such as alfalfa.

Water is pumped through a drip-irrigation system where the root zone of a crop creates conditions that turn hexavalent chromium into trivalent chromium, a naturally occurring substance.

Once converted, the trivalent chromium leaves the groundwater and become part of the surrounding soil.

(FACT is that such bacteria may convert Chromium III, but not convert Chromium (VI).

FACTS ABOUT AGRICULTURAL TREATMENT OPERATIONS AND IN-SITU OPERATIONS CAUSING FURTHER CONTAMINATION OF AQUIFERS AND GROUND DRINKING WATER WITH OTHER TOXIC SUBSTANCES, INCLUDING ARSENIC AND URANIUM

Fact Sheet For Agricultural Treatment Operations and In-Situ Operations Causing Further Contamination of Aquifers and Ground Drinking Water With Other Toxic Substances, Including Arsenic and Uranium

19. Based upon the facts described herein below, the *purported Agricultural Treatment Operations and In-Situ Operations has caused further poisoning of the Aquifers and Ground Drinking Water beneath the town Hinkley, CA 92347 with Arsenic and Uranium, in addition to with the historical, lasting sixty years to date, poisoning with Hexavalent Chromium, also known as Chromium (VI) and Cr6+, to wit:*

Per the State of California "CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LAHONTAN REGION BOARD ORDER NO. R6V-2014-0023 WASTE DISCHARGE REQUIREMENTS FOR PACIFIC GAS AND ELECTRIC COMPANY GROUNDWATER REMEDIATION PROJECT AGRICULTURAL TREATMENT UNITS WDID NO. 6B361403002" link:

http://www.waterboards.ca.gov/lahtontan/water_issues/projects/pge/cao/docs/refs/31_r6v_2014_0023.pdf

"13. Constituents of Concern. The discharge of extracted groundwater to agricultural treatment units contains waste chromium originating from the compressor station. Extracted groundwater also contains total dissolved solids, nitrate, naturally-occurring uranium and other radionuclides, and naturally-occurring dissolved metals, such as arsenic, manganese, and iron."

Per the State of California, Lahontan Regional Water Quality Control Board, as of April 2011, the Board was concerned that Pacific Gas and Electric Company's Agricultural and In-Situ Operations, consisting of ground water extraction for such operations, did contain dissolved Arsenic and in decay Uranium and radionuclides.

[REDACTED]

[REDACTED]

EXHIBIT "9"



**Pacific Gas and
Electric
Company**

Iain Baker
Principal Remediation Specialist
Hinkley Remediation Project
Manager

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San Francisco, CA 94105
(415) 973-9297 (office)
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August 17, 2015

[REDACTED]
[REDACTED]
[REDACTED]

Subject: Issuance of New Notice of Applicability of General Waste Discharge Requirements for In-Situ Remediation Zones and the Northwest Freshwater Injection System (WDID 6B360804007, Board Order R6V-2008-0014), Pacific Gas and Electric Company's Hinkley Compressor Station, San Bernardino County

Dear Ms [REDACTED]

Pacific Gas and Electric Company (PG&E) appreciates the opportunity to submit these comments on the Draft Notice of Applicability (Draft NOA) of General Waste Discharge Requirements for In-Situ Remediation Zones (IRZs) and the Northwest Freshwater Injection System (NWFI). In general, we agree with the approach to defining the project, the byproduct monitoring program and action plan framework, and the incorporation of the Environmental Impact Report (EIR) mitigation measures in the Draft NOA. We believe this NOA will promote efficient remediation of hexavalent chromium (Cr[VI]) in groundwater and provide the framework for holistic operation of the remedial systems, including operation of the IRZs, NWFI, and extraction and Agricultural Treatment Units (ATUs).

The following provides comments and language suggestions to improve clarity of the requirements and background and to modify the action plan. Suggested language edits are provided in underline ~~strikeout~~ format.

1. Introduction, page 1. The introduction should be edited to clarify that the NWFI is one component of the overall hydraulic capture system that prevents westward migration of the chromium plume. This could be clarified as follows:

"The NOA also includes discharges to the northwest freshwater injection system (NWFI) which acts along with the northern extraction system to block westward migration of the chromium plume."

2. Section 1.b, page 2. The first paragraph should be edited to clarify that ethanol injection volumes were reduced to manage byproducts, particularly manganese, in the Central Area IRZ as documented in Table 5-1 of the Quarterly Monitoring Reports for the In Situ Reactive Zone and Northwest Freshwater Injection Projects (Quarterly IRZ NWFI Reports, e.g. CH2M Hill and ARCADIS 2015).

The reduced effectiveness of chromium remediation in the South Central Re-injection Area (SCRIA) IRZ is due to reduced injection rates into the SCRIA IRZ. PG&E requested a change to the Cleanup and Abatement Order (CAO) R6V-2008-0002A2, to allow plume expansion associated with SCRIA operations, because there was a difference in

Ms. [REDACTED]
August 17, 2015

the baseline extent of Cr(VI) greater than 4 parts per billion (ppb) between the August 2008 and August 2009 data as the result of additional data obtained from the SCRIA IRZ perimeter monitoring wells. These monitoring wells were installed in 2009 to fill in gaps in the existing data (before commencing SCRIA IRZ operations). The area of allowable expansion in R6V-2008-0002A2 did not incorporate the new data from the SCRIA perimeter wells. Therefore, before SCRIA IRZ operations began, the chromium isoconcentration contours extended beyond the CAO approved area of allowable expansion in the southeastern portion of the SCRIA IRZ. In response, PG&E requested a modification of the CAO. Because the CAO was not modified, PG&E had to decrease injection into the SCRIA to prevent an unallowable expansion of the Cr(VI) plume (i.e. injections into the SCRIA were not reduced in relation to any concerns over the generation or migration of byproducts). The potential for plume expansion under increased SCRIA injection rates is currently being addressed through the start-up of new southern extraction and ATU systems.

To clarify these nuances between reasons for changes in operations of the Central Area IRZ and SCRIA IRZ, the following edit is suggested:

"The action has reduced the effectiveness of chromium remediation, particularly in the ~~South-Central Re-injection Area located on the north side of Community Boulevard~~ Central Area IRZ located along Frontier Road."

3. Section II.a, page 3. The second paragraph should be edited to clarify that denatured ethanol is used for injection, as follows:

"IRZs involve injecting carbon-containing compounds (e.g. ~~food-grade~~ denatured ethanol) into the groundwater via injection wells."

4. Section II.a, page 3. The end of the third paragraph indicates "[g]roundwater movement tracer tests related to the 2012-13 investigation are still ongoing, but preliminary data from those tests support the conclusion that manganese and other dissolved byproducts are not affecting nearby domestic wells." We believe that the two years of tracer data that have been collected through Second Quarter 2015 are sufficient to meet the objectives of that study and that the draft NOA should reflect a completed study.

The objective of tracer testing in the 2012-2013 byproduct investigation was to "evaluate distribution and migration of IRZ injection solution along the western IRZ boundaries," as stated in the workplan for the study (ARCADIS 2013). To meet this objective, tracers were injected in the SCRIA IRZ and Source Area IRZ in July and August 2013 and monitored for by sampling downgradient and cross-gradient wells in accordance with the workplan. The cross-gradient locations in particular were monitored to verify that injection solution did not migrate cross-gradient rather than downgradient from injection points.

At the time the study was designed, there was concern from the community and Water Board that IRZ injection solution could rapidly migrate to the west (cross-gradient) of the IRZ system. The workplan provided for two years of monitoring at the cross-gradient locations (ARCADIS 2013), a sufficient time period to meet the objectives of the test and assess whether the injection solution would migrate quickly westward and reach cross-gradient monitoring wells, the closest of which are located approximately 300 and 1,000 feet from injection points for the SCRIA and Source Area tests, respectively. Tracers have not been detected in the cross-gradient monitoring wells during the two years that data has been collected following tracer injections during the Third Quarter of 2013 as documented in quarterly monitoring reports (e.g., Figures 5-1 and 5-2, CH2M Hill and ARCADIS 2015). These data verify that IRZ injection solution does not migrate counter to groundwater flow direction (i.e. to the west) and that domestic wells to the west are not affected by IRZ injections and fulfils the

Ms [REDACTED]
August 17, 2015

injections of carbon (currently ethanol) are completed in doses up to several times per week, concentrations of TOC detected at a monitoring well are temporally variable and not representative of an "average" quarterly concentration at a location. Therefore, contouring may be misleading. PG&E requests clarification regarding the purpose of contouring TOC.

Other IRZ byproducts, including arsenic, manganese, and iron will be addressed in greater detail in the annual mitigation monitoring and reporting program report. The occurrence and distribution of arsenic, manganese, and iron will be discussed in relation to WTR-MM-2b, and plume maps will be created and presented as part of the input for required annual groundwater modeling. Accordingly, PG&E suggests that quarterly reports continue to provide contour maps for manganese, while the data for iron and arsenic be presented in the annual mitigation monitoring and reporting program report and contoured, if appropriate, based on the data. Manganese is suggested for quarterly reporting, because it is the constituent which has been found to extend the greatest distances from IRZ injection locations in comparison to iron and arsenic. Also, well rehabilitation compound marker constituents have not been detected at significant concentrations to date in monitoring wells downgradient of locations where these compound have been used. Therefore, PG&E suggests that the requirement to contour be modified to only if well rehabilitation compound marker data suggests arrival at downgradient monitoring wells.

To implement these changes, the following language edits are suggested:

"iv.2) Hexavalent chromium and manganese Groundwater sampling results from monitoring and other wells. Manganese IRZ byproduct plume contours shall be drawn around all monitoring wells in Table A-2 that meet or exceed the threshold concentration for manganese each constituent shown in Table A-4. ~~IRZ byproducts include manganese, iron, arsenic, and total organic carbon.~~ Include maps showing the extent of well rehabilitation compounds, if arrival is detected at sentry downgradient monitoring wells, and tracers in groundwater, if applicable."

Please call me at (415) 314-8530 if you have any questions regarding the information presented in this letter.

Sincerely,



Iain Baker

Attachments

A Draft NOA Replacement Water Provisions Comments

Figure 1 IRZ Monitoring Well Performance Evaluation, Maintenance and Replacement Decision Tree

References

ARCADIS. 2013. Response to Investigative Order No. R6V-2012-0060: Byproduct Plume Monitoring in IRZ Areas. Pacific Gas and Electric Company's Hinkley Compressor Station,

INJECTED CHEMICALS INTO FEDERAL / STATE AQUIFERS

BENEATH THE TOWN OF HINKLEY, CA 92347 SINCE

- 1. Chemical Reduction Compounds:** • Calcium polysulfide • Ferrous chloride • Ferrous sulfate • Sodium dithionite • Zero-valent iron
- 2. Biological Reduction Compounds:** • Emulsified vegetable oil • Ethanol • Lactate • Whey • Molasses • Corn syrup • Acetate • Glucose • Methanol.
- 3. Tracer compounds shall not be reactive with current contaminants to be treated or other compounds used in the remediation process. Tracers include:** • Bromide • Fluorescein • Eosine • Additional fluorescent tracers
- 4. Well Rehabilitation Compounds:** • Acetic acid • Citric acid • Hydrochloric acid • Hydrogen peroxide • Sodium hydroxide
- 5. Process Chemicals:** • Aluminum sulfate • Anti-sealants • Calcium hydroxide • Calcium oxide • Hydrochloric acid • Phosphoric acid • Polymeric flocculants • Sodium hydroxide • Sulfuric acid.

EXHIBIT "A-1"

Denatured alcohol, also called **methyated spirits**, is ethanol that has additives to make it **poisonous**, extremely bad tasting, foul smelling or nauseating, to discourage recreational consumption. In some cases it is also dyed.

Denatured alcohol is used as a solvent and as fuel for alcohol burners and camping stoves. Because of the diversity of industrial uses for denatured alcohol, hundreds of additives and denaturing methods have been used. The main additive has traditionally been 10% methanol, giving rise to the term "methyated spirits". Other typical additives include isopropyl alcohol, acetone, methyl ethyl ketone, methyl isobutyl ketone, and denatonium.^[1]

Denaturing alcohol does not chemically alter the ethanol molecule. Rather, the ethanol is mixed with other chemicals to form an undrinkable solution. For many of these solutions, there is no practical way to separate the components. Labels such as "cannot be made nonpoisonous" communicate to users that they should not trust any alcohol claiming to be rendered safe by distilling, filtering, or additives.

Methanol, also known as **methyl alcohol**, **wood alcohol**, **wood naphtha**, **methyl hydrate**, or **wood spirits**, is a chemical with the formula CH_3OH (often abbreviated MeOH). Methanol acquired the name "wood alcohol" because it was once produced chiefly as a byproduct of the destructive distillation of wood. Modern-day methanol production occurs in a catalytic industrial process directly from carbon monoxide, carbon dioxide, and hydrogen.

Methanol is the simplest alcohol, and is a light, volatile, colorless, flammable liquid with a distinctive odor very similar to that of ethanol (drinking alcohol).^[10] However, unlike ethanol, methanol is highly toxic and unfit for consumption.

EXHIBIT “10”

ADJUDICATED (GROUND) WATER RIGHTS
ANNUAL ALLOTMENT TO ALL MINIMAL PRODUCERS
MINIMAL PRODUCER INCLUDES PAST, CURRENT AND FUTURE PRODUCERS
TOWN OF HINKLEY, CALIFORNIA 92347
ANNUAL 10 ACRE-FEET (3,258,290 GALLONS) PER REALTY
(Two Adjudications, in 1964 and in 1990 by Court Judgment)

(SPACE BELOW FOR FILING STAMP ONLY)

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Cross-Complainant
MOJAVE WATER AGENCY

FILED
RIVERSIDE COUNTY

JAN 10 1996

By *Y.A. Burns* Y.A. Burns
Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF RIVERSIDE

CITY OF BARSTOW, et al,

Plaintiff,

v.

CITY OF ADELANTO, et al,

Defendant.

CASE NO. 208568

ASSIGNED TO JUDGE KAISER
DEPT. 4 FOR ALL PURPOSES

JUDGMENT AFTER TRIAL

MOJAVE WATER AGENCY,

Cross-complainant,

v.

ANDERSON, RONALD H. et al,

Cross-defendants.

JUDGMENT AFTER TRIAL

ORDINANCE NO. 11

AN ORDINANCE OF THE MOJAVE WATER AGENCY FOR REGULATION OF MINIMAL PRODUCERS AND ESTABLISHING THE MINIMAL PRODUCERS PROGRAM

WHEREAS the Board of Directors of the Mojave Water Agency (MWA) hereby finds:

The Mojave Water Agency in *City of Barstow, et al. v. City of Adelanto, et al.* (Riverside Superior Court #208568) is directed to implement a Minimal Producers Program for water wells or facilities that produce up to ten acre-feet per water year. Such a Program "shall achieve an equitable allocation of the costs of the Physical Solution that are attributable to Production" by Minimal Producers.

The Judgment in *City of Barstow, et al. v. City of Adelanto, et al., supra*, enjoins any water production within the Mojave Basin except pursuant to the provisions of the Judgment and the Minimal Producers Program adopted by MWA and approved by the Court after entry of Judgment. MWA began the Minimal Producers Program in order to better understand water use by Minimal Producers and their impact upon the Basin. Through the program MWA has catalogued thousands of wells and accumulated data on water use by Minimal Producers. MWA continues to gather and analyze data regarding water use by Minimal Producers.

After undertaking this process the Board of Directors has determined that the pools for Minimal Producers established in the Judgment are sufficient for existing Minimal Producers. The Board of Directors has also determined that these pools have been exhausted and it is necessary to establish a program to regulate new Minimal Producers. Furthermore, given the thousands of wells and the vast number of Minimal Producers already identified by MWA, the Board of Directors finds that it would be too costly for MWA to attempt to manage a program that encompasses all Minimal Producers. New Minimal Producers are readily identifiable. Therefore, the Board of Directors has determined that it is necessary to distinguish between Minimal Producers existing before April 1, 2000 and after. This distinction is necessary because:

- a. The Mojave Basin is currently in a state of overdraft;
- b. All new production by Minimal Producers starting on or after April 1, 2000 will contribute to the overdraft and such production needs to be regulated in order to assure an adequate water supply within the Basin;
- c. The Minimal Producers Program will take effect April 1, 2000; and
- d. The Judgment allows for the distinction.

In order to acquire more supplemental water to recharge the Mojave Basin, the Board of Directors finds that it has become necessary to implement an annual Minimal Producers Fee that shall only be applicable to those Minimal Producers whose production begins on or after April 1, 2000.

Be it ordained by the Board of Directors of the Mojave Water Agency as follows:

CLASSIFICATION OF MINIMAL PRODUCERS UNDER THE JUDGMENT IN THE CITY OF BARSTOW, ET AL. V. CITY OF ADELANTO, ET AL. (RIVERSIDE SUPERIOR COURT #208568) AND ESTABLISHMENT OF THE MINIMAL PRODUCERS PROGRAM:

Section 1. Definition of Minimal Producers. Minimal Producers are defined in the Judgment as "Any Person whose Base Annual Production, as verified by MWA is not greater than ten (10) acre-feet" and who has not stipulated to the Judgment. A Person designated as a Minimal Producer whose Annual Production exceeds ten (10) acre-feet in any year following the date of entry of Judgment is no longer a Minimal Producer and is subject to the terms of the Judgment.

Section 2. Minimal Producers Fee. A Minimal Producers Fee shall be paid each year to MWA by every Minimal Producer whose water production began on or after April 1, 2000. The Minimal Producers Fee shall be the then going rate for one acre foot of aqueduct water charged to MWA by the State of California, plus any transportation costs established by the Board of Directors. The Minimal Producers Fee is a charge for water and is not a parcel charge. The Minimal Producers Fee shall be collected in the same manner, by the same persons, at the same time as, and together and not separately from, the collection of annual county ad valorem property taxes imposed upon real property. Failure to pay the fee on time shall subject the Minimal Producer to an additional penalty charge of \$25.00. Minimal Producers Fees not paid shall be considered delinquent and MWA may collect this amount as a lien on the San Bernardino County tax rolls.

Section 3. Exemption of Minimal Producers existing prior to April 1, 2000. Minimal Producers who began water production prior to April 1, 2000 shall not be subject to the Minimal Producers Fee, pursuant to the Agency Act, but records will be maintained and catalogued by MWA regarding pre-April 1, 2000 Minimal Producers. All Minimal Producers whose well permit applications were deemed approved by the San Bernardino County Department of Public Health on or before March 31, 2000 shall not be subject to the Minimal Producers Fee. Replacement wells for Minimal Producers existing prior to April 1, 2000 also shall not be subject to the Minimal Producers Fee.

Section 4. Funds used to purchase supplemental water. All funds collected by MWA pursuant to Minimal Producers water charges, including penalty fees, shall be used exclusively to acquire supplemental water to help recharge the Mojave Basin area. MWA shall keep all funds collected under this Program separate from other funds and MWA shall provide an annual financial report on the status of these funds. Water charges from each sub-area will be used for water deliveries in that sub-area.

Section 5. Minimal Producers production non-transferable. Minimal Producers not subject to the Judgment shall be confined to the parcel on which the water production facility exists. Such Minimal Producer's status would transfer on any sale or alienation of that property or parcel.

Section 6. Monitoring Wells, Rules and Regulations. MWA staff is authorized to monitor wells to assure compliance and establish rules and regulations to implement the Program.

Section 7. Annual Production greater than ten acre-feet. Any Minimal Producer who produces more than ten acre-feet in any given year shall no longer be considered a Minimal Producer and shall become a Party subject to the provisions of the Judgment.

Section 8. Enforcement. The Board of Directors may direct staff to bring a civil action seeking enforcement, including injunctive relief, of the provisions of this Ordinance. This enforcement provision is in addition to all other enforcement provisions, including those in the Agency Act, the Judgment, and otherwise provided by law.

Section 9. Severability. If any section, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Directors declares that it would have passed this Ordinance, and each section, subsection, clause, sentence or phrase thereof irrespective of the fact that any one or more other sections, subsections, clauses, sentences or phrases may be declared invalid or unconstitutional.


Section 10. Effective Date. This Ordinance shall be in full force and effect upon April 1, 2000, and shall be published in full in a newspaper of general circulation within ten (10) days from the date of adoption.

Passed and adopted this 25th day of January, 2000, by the following vote:

Ayes: Directors Almond, Fortune, Hall, Lowry, Parker, Stringer and Weldy
Noes: None
Abstain: None
Absent: None


George R. Parker
President, Board of Directors

ATTEST:


Scott Weldy
Secretary, Board of Directors

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

EXHIBIT “11”



United States Department of Justice

United States Attorney's Office Central District of California

United States Courthouse
312 North Spring Street
Los Angeles, California 90012

October 15, 2014

[REDACTED]

Re: Citizen Complaint

Dear Mr. and Mrs. [REDACTED]

This letter is in response to your letter/complaint received September 29, 2014.

The United States Attorney's Office does not conduct criminal investigation. Federal investigative agencies have the authority to review allegations made by citizens and conduct appropriate investigations. We recommend that you report this to the Federal Bureau of Investigation's Los Angeles Field Office. If the FBI finds evidence of a prosecutable violation of federal criminal statutes, the case will be presented by the FBI to a United States Attorney for prosecution. Please be assured that the United States Attorney's offices take all allegations of criminal conduct very seriously and carefully review any investigative evidence presented to support such allegations in light of the guidelines set forth in the *Principles of Federal Prosecution*.

FBI Los Angeles
11000 Wilshire Boulevard
Suite 1700
Los Angeles, CA 90024
Phone: (310) 477-6565
Fax: (310) 996-3359

The United States Attorney's Office does not conduct investigations, represent clients, answer legal questions or give legal advice.

Sincerely,

[Signature]

Citizen Complaints Section

EXHIBIT "DOJ-1"

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

EXHIBIT "12"

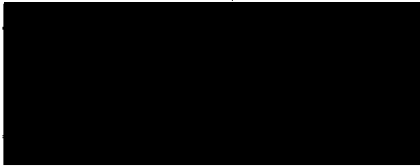


United States Department of Justice

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312 North Spring Street
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October 15, 2014



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Sincerely,

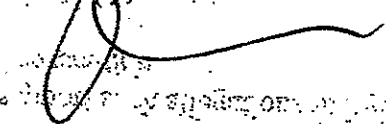

Citizen Complaints Section

EXHIBIT "DOJ-2"

[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]

[REDACTED]

EXHIBIT "13"

KAMALA D. HARRIS
Attorney General

State of California
DEPARTMENT OF JUSTICE



RONALD REAGAN BUILDING
300 SOUTH SPRING STREET, SUITE 1702
LOS ANGELES, CALIFORNIA 90013

Public: (213) 897-2000
Telephone: (213) 897-2639
Facsimile: (213) 897-2802
E-Mail: gary.tavejian@doj.ca.gov

May 12, 2015

[REDACTED]

RE: [REDACTED] *v. Pacific Gas and Electric*
San Bernardino Superior Court Case No. CIVDS1416980 etc.

Dear Mr. [REDACTED]:

Thank you for keeping me informed of your action against Pacific Gas and Electric Company (PG&E) as well as the actions of those similarly situated. I have made sure that the State Water Resources Control Board (State Board) and the Lahontan Regional Water Quality Control Board (Regional Board) are aware of your action and your concerns.

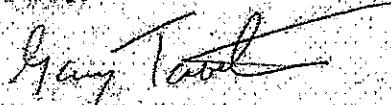
As I mentioned before, the California Office of Attorney General typically represents the State Board and the various Regional Boards in their litigation. You told me in our last conversation that you had no interest in filing suit against either the State Board or Regional Board, however you may have to change your mind at some time in the future. Therefore, I think that since we may find ourselves as adversaries in the legal arena, it makes sense to avoid further informal communications. If you obtain an attorney though (your pleadings indicate that you are representing yourself in court, and you have told me the same orally), please feel free to have that attorney contact me for any reason.

Please also understand that you should make all complaints you have about the water quality in Hinkley to the Lahontan Regional Board or to the State Board. If you believe there is criminal activity ongoing by PG&E or any other entity, you should inform the local district attorney.

May 12, 2013
Page 2

Good luck to you.

Sincerely,



GARY TAVETIAN
Supervising Deputy Attorney General
Natural Resources Law Section

For KAMALA D. HARRIS
Attorney General

[REDACTED]

EXHIBIT “14”



Matthew Rodriguez
Secretary for
Environmental Protection



Department of Toxic Substances Control

Barbara A. Lee, Director
1001 "I" Street
P.O. Box 806
Sacramento, California 95812-0806



Edmund G. Brown Jr.
Governor

April 7, 2015

To Whom It May Concern:

Ladies and Gentlemen:

This letter is to acknowledge receipt by the Department of Toxic Substances Control of documents relating to contamination of drinking water supplies in Hinkley, California. The Department of Toxic Substances Control is unaware of any man-made sources that could result in arsenic and uranium detection in domestic wells in your area.

We suggest that you meet with staff of the California Regional Water Quality Control Board, Lahontan Region, to discuss possible options for treating contamination by these constituents in your domestic wells. Please contact the undersigned at the address above if you have any further questions regarding this matter.

Sincerely,

Steve Koyasako
Assistant Chief Counsel

cc: **Daniel T. Ward, P.E., Chief**
Cleanup Program Engineering & Special Projects – Sacramento
8800 Cal Center Drive
Sacramento, California 95826-3200

Lisa Dernbach
Senior Engineering Geologist (Specialist)
California Regional Water Quality Control Board, Lahontan Region
2501 Lake Tahoe Blvd.
South Lake Tahoe, California 96150

VICTIMS / DEPONENTS
TOWN OF HINKLEY

Mailing Address:

April 11, 2015

Attn: Steve Koyasako, Assistant Chief Counsel
Cal State Bar No. 78833
DEPARTMENT OF TOXIC SUBSTANCES CONTROL (DTSC)
Barbara A. Lee, Director
1001 "T" Street
Sacramento, California 95812
Tel: (916) 324-0345
Email: Steve.Koyasako@dtsc.ca.gov
cc: Per posted herein contact information
cc: Per attached hereto Mailing List

AT ISSUE MEMORANDUM

The undersigned, per signature pages attached herein, the Victims and Deponents, Town of Hinkley, California 92347 [The People], are **dismayed** in regards to statement found therein your Letter, a true copy of which is marked as EXHIBIT "A", attached hereto and incorporated herein for reference, that *"The Department of Toxic Substances Control is not aware of any man-made sources that could result in arsenic and uranium detection in domestic wells in your area"*.

In lieu of suggested therein your letter *"We suggest that you meet staff of the California Regional Water Quality Control Board, Lahontan Region, to discuss possible options for treating Contamination by these constituents in your domestic wells"*, **it would be extremely more [legally] appropriate**, for you and the Department of Toxic Substances Control (DTSC), to **finally concede and publicly apologize**, that you and the DTSC were and are more than fully aware of who has caused and fully aware of the man-made sources that resulted in arsenic and uranium detection in not only domestic wells in the area, but in monitoring-extraction-supply wells operated by Pacific Gas and Electric Company (PG&E), as to all, the Arsenic and Uranium found therein the entire town of Hinkley, California 92347, including but not limited to the aquifers beneath said town.

It is extremely troubling, that you and the DTSC is avoiding to not only concede that you and the DTSC are more than fully aware of the facts, found herein clear and convincing evidence, beyond reasonable doubt, by the introduced EXHIBIT "B", attached hereto and incorporated herein for reference, being the State of California Website with link:

http://geotracker.waterboards.ca.gov/es/uploads/geo_report/6316850662/SL0607111288.PDF

that the PG&E's operations are the man-made source for dissolved Arsenic and Uranium in the aquifers beneath the town of Hinkley, California 92347, which aquifer supplies ground drinking water to all domestic and dairy's farms water wells, further construed as the only source for drinking and potable waters for all other intensive purposes.

By not admitting these ultimate evidentiary facts, and by not publicly announcing that the Drinking Water In Hinkley, California 92347, **IS NOT SAFE TO DRINK**, you and the DTSC are causing the people in the town of Hinkley, California 92347 to continue using such poisoned with Arsenic and Uranium water from the aquifers beneath the People's real property, by virtue of their water supply wells, and such use has and is resulting to severe illnesses and diseases, not limited to **dying** from prolonged and/or high level concentration toxin's use, not limited to the dead folks, such as Mrs. [REDACTED] son, by using that drinking water, recently found to contain 2,500 parts per billion (ppb) of dissolved Arsenic, on maximum legal limit of 10 ppb. (It will be absolutely and extremely speculative to assume that Arsenic at 2,500 ppb is naturally occurring in the town of Hinkley, CA, thus an absurd statement.) [Emphasis added]. (Residence now abandoned and [REDACTED] evacuated).

By own admission (confession), Pacific Gas and Electric Company further conceded and finally disclosed, thereafter a year of concealed facts, (cover-up), by exhibited therein the State of California website one report (over 10 reports of confessions), report found therein link:

http://geotracker.waterboards.ca.gov/es/uploads/geo_report/6316850662/SL0607111288.PDF

that their operations has caused, man-made, poisoning of wells with Arsenic and Uranium.

EXHIBIT "B", is representative excerpts of true copies there from said State of California Website, and confessions by PG&E are found highlighted with yellow magic marker, for easy identification. Exhibited therein map of such well represents only a few of the 600 monitoring-extraction-injection wells operated by PG&E and there are many other reports, ready for exhibiting, representing that virtually the entire town of Hinkley, California 92347 aquifers are poisoned with Arsenic and Uranium by PG&E' operations and no one else.

It will be extremely absurd to assume that any concentration (USGS has stated that average concentration of dissolved Arsenic in Hinkley Valley is around 9 ppb), over the 10 ppb is naturally occurring, absent of Arsenic' miners flocking for the "Arsenic Rush" in such an event, and even more absurd to entertain statements by others that there was an atomic bomb blown up in Hinkley, CA, causing elevated readings over the legal limits for Uranium.

By now, you and anyone from DTSC should be or should have been aware that the only source for drinking and any other purposes waters are the aquifers beneath the town of Hinkley, CA 92347 and per EXHIBIT "C", attached hereto and incorporated herein for reference, such aquifers are also construed as the public source, and since there are more than 25 connections by virtue of water extraction systems connections, the poisoning of such aquifers , construed as the public source it must be regulated.

The People are troubled that none of Cal EPA agencies, including DTSC have not, to date, done anything to comply with the mandated and codified into law, Safe Drinking Water and Toxic Enforcement Act, also called Proposition 65, to at least commence full and unconditional investigation of who poisoned the aquifers in the town of Hinkley, CA 92347 with Arsenic and Uranium. EXHIBIT "D", attached hereto and incorporated herein for reference is the law and if the law is not complied with, commencing with the agencies who are supposed to regulate and enforce, the People must take their complaints to the courts, both State and federal.

Since your letter have done nothing to address the foregoing issues, now at issue within this At Issue Memorandum, an act alleged to shield PG&E from liability, and prosecution for hiding the facts, the poisoning the aquifers with Arsenic and Uranium, instead of helping the Victims , the People, per attached hereto EXHIBIT "D", will have no other alternative, other than dying, to press charges with California Department of Justice.

THREFORE, you and the DTSC must respond to this At Issue Memorandum, on emergency basis, to the Undersigned herein this Memorandum.

REFERENCES

Fact Sheet For Arsenic

Per the State of California Lahontan Water Board Attachment G, Page 6,... "the federal and state MCL for arsenic is 10 µg/L. The US Geological Survey conducted sampling for various constituents in wells in the Mojave Water Agency management area from 1991 to 1997, including wells in the Hinkley area. The study found arsenic in wells (up to 200 feet in depth) ranging from less than 1 µg/L to 12 µg/L with most concentrations under 10 µg/L. While the USGS study was conducted after the release of chromium from the Hinkley Compressor Station, sampling occurred before the use of carbon amendment injections to groundwater, and thus reflects levels prior to in-situ remediation". Thus, the In-Situ / Agricultural operations, implemented by PG&E, has subsequently caused (anthropogenic causation factor) the poisoning of ground waters with Arsenic, at substantially more than the average of 3 ppb for naturally occurring arsenic in ground waters, now found at almost all wells.

Arsenic is released from a variety of anthropogenic sources (USEPA), including waste incineration. (not limited to industrial facility's cooling towers) These anthropogenic releases of arsenic can elevate environmental arsenic concentrations. Human exposure to arsenic can result in a variety of chronic and acute effects. In particular, there is evidence that associates chronic arsenic ingestion at low concentrations with increased risk of skin cancer, and that arsenic may cause cancers of the lung, liver, bladder, kidney, and colon (ATSDR, 1998). Because of the human health risks associated with arsenic, USEPA regulates the level of arsenic in drinking water at MCL of 10 ppb and Legal Reporting Limit at 2 ppb. [Mandatory].

(Anthropogenic Sources of Arsenic is from man-made sources, such as In-Situ / Agricultural Operations, implemented by PG&E in Hinkley, CA)

Fact Sheet for Uranium

The average concentration of uranium in the groundwater of the United States is about 2 pCi per liter (pCi/L). The average concentration in U.S. soils is about 2 pCi/g (3 ppm); The U.S. Environmental Protection Agency's (EPA) drinking water standard for uranium is 20 pCi/L (EPA 2009). Uranium present in the rocks and soil as a natural constituent represents natural background levels. Average Uranium Concentrations in Drinking Water for California was reported at an average of 2.7 pCi/L (picocuries per liter).

Gross beta particles are a form of radiation that can pollute drinking water when disturbances, such as In-Situ Remediation for Hexavalent Chromium is in place, which mobilizes radioactive minerals. Gross beta radiation is a known human carcinogen. Because any level of exposure to gross beta radiation can cause cancer, EPA has set a health goal of zero for this radioactive contaminant. Any exposure to this radioactive contaminant poses cancer risk. The maximum level set by EPA is at 15 pCi/L and the required by law disclosure on detection level is at 1 pCi/L.

Therefore, anthropogenic (human activities, such as PG&E's In-Situ and Agricultural Treatment operations, are the cause for poisoning ground waters, not natural processes as the cause. Concentration for Uranium, greater than the background level (naturally occurring level) of 2.7 pCi/L must be immediately investigated by the regulatory governmental agencies. Concentration greater than the legal reporting limit of 1 pCi/L, trigger mandatory disclosure as required by law.

EPA also classifies water systems according to number of people they serve: "Very Small water systems serve 25-500 people". <http://water.epa.gov/infrastructure/drinkingwater/pws/factoids.cfm>

Aquifers are in fact "water systems" and when serving more than "25 people", should be regulated. (Over 25 connections to said aquifer by means of domestic or other type of water well). Emphasis added. EPA statement in quote marks as the Point and Authority). The undersigned is/are one of over 25 connections to such water system-aquifer. [Ground drinking water from aquifer is the only source of water]

California Water Code

§ 13320. Review by state board of regional board action

(a) Within 30 days of any action or failure to act by a regional board under subdivision (c) of Section 13225, Article 4 (commencing with Section 13260) of Chapter 4, Chapter 5 (commencing with Section 13300), Chapter 5.5 (commencing with Section 13370), Chapter 5.9 (commencing with Section 13399.25), or Chapter 7 (commencing with Section 13500), any aggrieved person may petition the state board to review that action or failure to act. In case of a failure to act, the 30-day period shall commence upon the refusal of the regional board to act, or 60 days after request has been made to the regional board to act.

The state board may, on its own motion, at any time, review the regional board's action or failure to act and also any failure to act under Article 3 (commencing with Section 13240) of Chapter 4.

(b) The evidence before the state board shall consist of the record before the regional board, and any other relevant evidence which, in the judgment of the state board, should be considered to effectuate and implement the policies of this division.

(c) The state board may find that the action of the regional board, or the failure of the regional board to act, was appropriate and proper. Upon finding that the action of the regional board, or the failure of the regional board to act, was inappropriate or improper, the state board may direct that the appropriate action be taken by the regional board, refer the matter to any other state agency having jurisdiction, take the appropriate action itself, or take any combination of those actions. In taking any such action, the state board is vested with all the powers of the regional boards under this division.

(d) If a waste discharge in one region affects the waters in another region and there is any disagreement between the regional boards involved as to the requirements which should be established, either regional board may submit the disagreement to the state board which shall determine the applicable requirements.

(e) If a petition for state board review of a regional board action on waste discharge requirements includes a request for a stay of the waste discharge requirements, the state board shall act on the requested stay portion of the petition within 60 days of accepting the petition. The board may order any stay to be in effect from the effective date of the waste discharge requirements.

Porter-Cologne Water Quality Control Act, California Water Code Division 7, (As amended, including Statutes 2013) EFFECTIVE JANUARY 1, 2014 §13000. Legislative findings

The Legislature finds and declares that the people of the state have a primary interest in the conservation, control, and utilization of the water resources of the state, and that the quality of all the waters of the state shall be protected for use and enjoyment by the people of the state. The Legislature further finds and declares that activities and factors which may affect the quality of the waters of the state shall be regulated to attain the highest water quality which is reasonable, considering all demands being made and to be made on those waters and the total values involved, beneficial and detrimental, economic and social, tangible and intangible. The Legislature further finds and declares that the health, safety and welfare of the people of the state requires that there be a statewide program for the control of the quality of all the waters of the state; that the state must be prepared to exercise its full power and jurisdiction to protect the quality of waters in the state from degradation originating inside or outside the boundaries of the state; that the waters of the state are increasingly influenced by interbasin water development projects and other statewide considerations; that factors of precipitation, topography, population, recreation, agriculture, industry and economic development vary from region to region within the state; and that the statewide program for water quality control can be most effectively administered regionally, within a framework of statewide coordination and policy. § 13002. Non-limiting clauses (e) On the right of any person to maintain at any time any appropriate action for relief against any private nuisance as defined in the Civil Code or for relief against any contamination or pollution.

CHAPTER 10. WATER WELLS AND CATHODIC PROTECTION WELLS ARTICLE 1.

DECLARATION OF POLICY § 13700. Legislative findings The Legislature finds that the greater portion of the water used in this state is obtained from underground sources and that those waters are subject to impairment in quality and purity, causing detriment to the health, safety and welfare of the people of the state. The Legislature therefore declares that the people of the state have a primary interest in the location, construction, maintenance, abandonment, and destruction of water wells, cathodic protection wells, groundwater monitoring wells, and geothermal heat exchange wells, which activities directly affect the quality and purity of underground waters. § 13701. **Legislative declarations** The Legislature finds and declares all of the following: § 13701. Legislative declarations The Legislature finds and declares all of the following:

(a) Improperly constructed and abandoned water wells, cathodic protection wells, groundwater monitoring wells, and geothermal heat exchange wells can allow contaminated water on the surface to flow down the well casing, thereby contaminating the usable groundwater.

(b) Improperly constructed and abandoned water wells, cathodic protection wells, groundwater monitoring wells, and geothermal heat exchange wells can allow unusable or low quality groundwater from near groundwater level to flow along the well casing to usable groundwater levels, thereby contaminating the usable groundwater.

(c) Contamination of groundwater poses serious public health and economic problems for many areas of the state.

ARTICLE 2. DEFINITIONS

§ 13710. "Well"

"Well" or "water well" as used in this chapter, means any artificial excavation constructed by any method for the purpose of extracting water from, or injecting water into, the underground. This definition shall not include: (a) oil and gas wells, or geothermal wells constructed under the jurisdiction of the Department of Conservation, except those wells converted to use as water wells; or (b) wells used for the purpose of (1) dewatering excavation during construction, or (2) stabilizing hillsides or earth embankments.

§ 13711. "Cathodic protection well"

"Cathodic protection well," as used in this chapter, means any artificial excavation in excess of 50 feet constructed by any method for the purpose of installing equipment or facilities for the protection electrically of metallic equipment in contact with the ground, commonly referred to as cathodic protection.

§ 13712. "Monitoring well"

"Monitoring well" as used in this chapter, means any artificial excavation by any method for the purpose of monitoring fluctuations in groundwater levels, quality of underground waters, or the concentration of contaminants in underground waters.

§ 13754. Misdemeanor. Failure to comply with any provision of this article, or willful and deliberate falsification of any report required by this article, is a misdemeanor.

Before commencing prosecution against any person, other than for willful and deliberate falsification of any report required by this article, the person shall be given reasonable opportunity to comply with the provisions of this article.

§ 13755. Compliance

This chapter does not affect the powers and duties of the State Department of Public Health with respect to water and water systems pursuant to Chapter 4 (commencing with Section 116270) of Part

12 of Division 104 of the Health and Safety Code. Every person shall comply with this chapter and any regulation adopted pursuant thereto, in addition to standards adopted by any city or county.

§ 13271. Notification requirement

(a)(1) Except as provided by subdivision (b), any person who, without regard to intent or negligence, causes or permits any hazardous substance or sewage to be discharged in or on any waters of the state, or discharged or deposited where it is, or probably will be, discharged in or on any waters of the state, shall, as soon as (A) that person has knowledge of the discharge, (B) notification is possible, and (C) notification can be provided without substantially impeding cleanup or other emergency measures, immediately notify the California Office of Emergency Management Agency Services of the discharge in accordance with the spill reporting provision of the state toxic disaster contingency plan adopted pursuant to Article 3.7 (commencing with Section 8574.16) of Chapter 7 of Division 1 of Title 2 of the Government Code.

COPY OF THIS AT ISSUE MEMORANDUM TO:

Patty Z. Kouyoumdjian, Executive Officer pzkouyoumdjian@waterboards.ca.gov (530) 542-5412
Lauri Kemper, Assistant Executive Officer lkemper@waterboards.ca.gov (530) 542-5436
Lisa Dernbach, Senior Engineering Geologist ldernbach@waterboards.ca.gov (530) 542-5424
California Lahontan Regional Water Quality Control Board
cc: State Water Resources Control Board 1001 I Street, Sacramento, CA 95814
info@waterboards.ca.gov Phone: (916) 341-5254
People from this State of California, expect those State Boards to act accordingly.
(Delegated Authority by the People)

COPY OF THIS AT ISSUE MEMORANDUM TO: Per Mailing List

///

///

///

See Signature Pages attached hereto.

EXHIBIT “15”

EVIDENTIARY EXHIBIT

OPERATIONS BY PACIFIC GAS AND ELECTRIC COMPANY (PG&E) THE IN-SITU AND AGRICULTURAL (LAND) TREATMENT UNITS, COMMENCED OPERATION JUNE 6, 1991, HINKLEY, CA 92347

TWENTY FOUR YEARS OF FAILED IN-SITU AND TREATMENTS' OPERATIONS BY PACIFIC GAS AND ELECTRIC COMPANY (PG&E), RESULTING IN PERCOLATION OF EXTRACTED BYPRODUCTS, THE DISOLVED HEXAVALENT CHROMIUM, ARSENIC AND URANIUM, BACK TO AQUIFERS AND GROUND DRINKING WATER BENEATH HINKLEY, CA 92347 (ALTHOUGH, PURPORTED CLAIMS BY PG&E, THAT CHROMIUM WAS PARTIALLY ABATED, IT IS EXTREMELY INSIGNIFICANT TO CONSIDER AS ABATEMENT, IN CUMULATIVE IMPACTS)

(BASED UPON REPORTS TRANSMITTED BY PACIFIC GAS AND ELECTRIC COMPANY TO THE STATE OF CALIFORNIA LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD EVIDENCED BY RESPECTIVE INTERNET LINK TO THE WATER BOARD GEOTRAKER WEBSITE AND BASED UPON REPORTS BY THE U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES)

For over twenty four years, not one year as **falsely** purported by PG&E's report to the Board, http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/6337839484/SL0607111288.PDF Pacific Gas and Electric Company has operated treatment units in the Dairy's facilities located throughout Hinkley, CA 92347, purportedly aimed to remove the historical poisoning with the Hexavalent Chromium aquifers and the respective within ground drinking and for all other intensive purposes potable waters, throughout the entire town of Hinkley, CA 92347, now construed as failed operations, due to not removed Hexavalent Chromium, as of July 10, 2015.

PG&E has **falsely** purported that their agricultural (land) treatment operations are exactly the same as existing dairy farms' operations. None of the pre-existing farms have ever used: "solution hydrogen peroxide and nine 50-pound bags of anhydrous citric acid", and none have "injected citric acid solution into the drip irrigation tubing" as well as carbon substrates (lactate, whey, emulsified vegetable oil, resins and other chemical constituents. (Page 10)

http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/9960004508/SL0607111288.PDF
http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/1467553555/SL0607111288.PDF
and as quoted: "In a recent letter titled Response to Correspondence Received Regarding Arsenic and Uranium in Hinkley, San Bernardino County, the Water Board acknowledged that agricultural activities in the broader Hinkley Valley are comparable with PG&E's ATUs, stating the following: "It should be noted that remedial agricultural units operate exactly the same as non-remedial irrigated agricultural fields, which have existed in Hinkley since the

1920s. Thus, if it is shown that agricultural treatment is affecting uranium levels (by mobilizing natural uranium), then current agricultural activities (not related to PG&E's remediation) outside the chromium plume, as well as historical agricultural activities throughout Hinkley Valley, are also likely to have affected uranium levels" (Page 11).

Such assertions are not only incomprehensible, vague and ambiguous, but fraudulent.

PG&E has also falsely distorted the issue of percolation timing of extracted ground water, prone to contain byproduct, such as dissolved uranium, all in an effort to conceal the true facts. http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/6337839484/SL0607111288.PDF

"Vadose zone modeling was conducted to estimate ranges of potential travel times for irrigation water applied at each ATU to reach groundwater, beginning when the ATU WDRs were issued in March 2014."

"Modeling results show the minimum travel time as 3 years (April 2017) before significant irrigation water (50 percent of the concentration applied in irrigation water) percolates to groundwater at two ATUs (DVD and Gorman South), with average travel times exceeding 6 years (2020 or later) at each of the six ATUs."

"Therefore, at this time, groundwater data are insufficient for determining the effect of ATU operations on pre-existing elevated levels of TDS and radionuclides."

"Additional data collection over time will be necessary to evaluate the long-term effects (if any) of current ATU operations on TDS and radionuclide concentrations." (Page 5)

It is difficult to comprehend how anyone could have made such a statement in light of the facts

Such assertions are not only incomprehensible, vague and ambiguous, but fraudulent.

FACTUAL CONCLUSION

SINCE PG&E'S TREATMENT'S OPERATIONS DID COMMENCED TWENTY FOUR YEARS AGO (24), WAY MORE THAN AMPLE TIME HAS ELAPSED AND THE BYPRODUCTS SUCH AS THE DISOLVED URANIUM AND ARSENIC DID PERCOLATE INTO THE AQUIFERS AND THE RESPECTIVE WITHIN GROUND DRINKING AND FOR ALL OTHER INTENSIVE PURPOSES POTABLE WATERS, AND AGAIN POISONED ALL AQUIFERS BENEATH HINKLEY, CA 92347

"Public policy can rightly be said to be found in the concept that the public interest in a pure water supply gives rise to a special relationship to one who pollutes that supply in some substantial fashion. However, there may be no public policy to be served if the pollution occurs at a time and in a manner when no one knows, or ought to know, that the acts now complained of endanger the public. The existence of facts necessary to make the determination of any such special relationship, as well as the factual background to determine whether public policy principles should be applied, are triable issues best left to the trier of fact."

((Judge LeRoy Simmons' Opinion, 6/13/94)

FACTS

“On June 6, 1991, PG&E submitted a soil and groundwater remediation workplan and a waste discharge report for the groundwater treatment system to the California Regional Water Quality Control Board-Lahontan Region”

http://www.ehib.org/projects/PGEHinckleyPHA_120400.pdf

“On September 12, 1991, LRWQCB accepted the workplan and discharge report. The plan called for a series of extraction wells to remove the contaminated water. The contaminated water is sprayed onto a section of each of two PG&E owned and controlled Land Treatment Fields. One of PG&E's Land Treatment Fields is located on the corner of Community Boulevard and Sommetset Road (referred to as the East Landfarm); the second one is located north of State Highway 58 and near Mountain View Road (referred to as the Ranch Landfarm).”

Nitrates from fertilizer and dairy farm runoff, manganese and other organic compounds in drinking water are not at-issue whatsoever. Addressing such compounds in an effort to unscrupulously dilute the real issue of the poisoned aquifers and the respective within ground drinking and whole house waters with the primary and the most highly toxic substances, dissolved byproducts Arsenic and Uranium, is the subject matter question.

ONGOING CONCEALMENT OF FACTS AS TO POISONED AQUIFERS AND THE RESPECTIVE WITHIN DRINKING AND POTABLE WATERS WITH ARSENIC

Despite many demands by the State of California Lahontan Regional Water Quality Control Board upon Pacific Gas and Electric Company (PG&E), to address the dissolved Arsenic, as byproduct of the failed In-Situ, land and agricultural operations that commenced by PG&E in 1991, found in the aquifers and the respective within drinking and potable waters beneath the Hinkley, PG&E has wantonly and unscrupulously avoided, for over a decade, to provide meaningful results, despite the fact that PG&E has tested many wells, which exhibited over the legal limits results, however reluctantly provided only “cherry picked” few partial results.

CONCEALMENT OF FACTS AND/OR DISTORTION OF TRUE FACTS IS A FELONY.

“In 1997, a family from Hinkley, concerned about environmental exposures to Chromium VI at the PG&E -plant and seeking assistance, wrote letters to the President of the United States, to elected officials, and to several federal agency directors”

Eighteen years later, the Victims from Hinkley, CA 92347, again wrote letter to the President, addressed to Mike Boots, Acting Chair Obama CEQ and twenty two other state and federal officials, per the mailing list attached hereto for reference.

REFERENCES (Reports found therein State of California Geotracker website from inception)

Date of PG&E Report, or Date Board's Order	Link (From June 1, 1987 to July 27, 2004 All Reports are removed from Geotracker Website) (Reason ?)
June 6, 1991	http://www.ehib.org/projects/PGEHinckleyPHA_120400.pdf
July 27, 2004	http://geotracker.waterboards.ca.gov/regulators/deliverable_documents/1516970574/r6v-2004-0034_pge_wdr.pdf
July 28, 2005	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/9117078483/SL0607111288.PDF
April 28, 2006	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/5997785270/SL0607111288.PDF
July 31, 2006	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/9960004508/SL0607111288.PDF
January 30, 2007	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/7375842034/SL0607111288.PDF
April 30, 2008	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/8995776116/SL0607111288.PDF
May 15, 2008	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/3910740733/SL0607111288.PDF
November 14, 2008	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/4014843165/SL0607111288.PDF
April 24, 2009	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/9712084710/SL0607111288.PDF
July 29, 2009	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/2435533821/SL0607111288.PDF
January 29, 2010	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/2085984587/SL0607111288.PDF
September 30 2010	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/6116044402/SL0607111288.PDF
October 29, 2010	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/9947138488/SL0607111288.PDF
April 29, 2011	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/8209385693/SL0607111288.PDF
April 27, 2012	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/1707015275/SL0607111288.PDF
May 15, 2012	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/2846860766/SL0607111288.PDF
July 12, 2012	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/4791184425/SL0607111288.PDF
November 30, 2012	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/5340056657/SL0607111288.PDF Under penalty of perjury and to the best of my knowledge, the attached report is true, complete, and correct. /s/ Kevin Sullivan
January 29, 2014	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/9027376294/SL0607111288.PDF
November 20, 2014	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/4652345776/SL0607111288.PDF (4,300 Pages)
May 22, 2015	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/8848090469/SL0607111288.PDF
June 13, 2015	http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/6337839484/SL0607111288.PDF

EXHIBIT "16"



U.S. Department of Justice

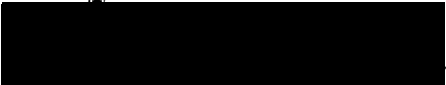
Environment and Natural Resources Division

Environmental Crimes Section
P.O. Box 7611
Washington, DC 20044

Telephone (202) 305-0897
Facsimile (202) 514-8865

July 28, 2015

"Deponents and Victims, Town of Hinkley"



Re: At Issue Memorandum Regarding Town of Hinkley, CA

To Whom It May Concern:

I write to acknowledge receipt of the Memorandum and supporting documentation submitted to the Environmental Crimes Section of the U.S. Department of Justice. The materials have been reviewed, and will be forwarded to the appropriate agency to perform follow-up investigation as needed. If you have any questions, please feel free to contact me at the address or telephone number listed below.

Sincerely,

Lauren Steele
Trial Attorney
Environmental Crimes Section
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044
(202) 305-0897

~~XXXXXXXXXXXXXXXXXXXX~~
~~XXXXXXXXXXXXXXXXXXXX~~

EXHIBIT "17"

DEMAND BY THE VICTIMS FROM THE TOWN OF HINKLEY, CA 92347, FOR AN IMMEDIATE INVESTIGATION AND REPORTING TO THE CITIZENS OF THIS COUNTRY OF THE OUTCOME

VICTIMS TOWN OF HINKLEY

Temporary Mailing Address

July 18, 2015

Attn: Doug Cordiner, Chief Deputy, Investigations
California State Auditor
P.O. Box 1019
Sacramento, CA 95812

Attn: Investigative Staff
Russ Hayden, CGFM, Manager of Investigations Johnny Barajas Siu-Henh Canimo, CFE Beka Clement, CFE Lane Hendricks, CFE Mark Miller Wesley Opp, JD, CFE Nicole Ricks Michael A. Urso, CFE Support Staff: Sema Daniels, Office Technician Hana Medina, Investigative Analyst Jodhvir Sangha, Investigative Analyst Dee Silberstein, Investigative Analyst Deb Sneed, Investigative Analyst Legal Counsel: Julie Jacob, Staff Counsel

cc: The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol Sacramento, California 95814
cc: Attn: Public Records Act Coordinator
California State Auditor
621 Capitol Mall, Suite 1200
Sacramento, California 95814
Business: (916) 445-0255
PRACoordinator@auditor.ca.gov

DEMAND BY THE VICTIMS FROM THE TOWN OF HINKLEY, CA 92347, FOR AN IMMEDIATE INVESTIGATION AND REPORTING TO THE CITIZENS OF THIS COUNTRY THE OUTCOME OF THE INVESTIGATION, ENCOMPASSING OCCURRED MAJOR IMPROPER ACTIVITIES BY STATE OF CALIFORNIA LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD AND STATE WATER RESOURCES CONTROL BOARD, AS TO RECEIVED MILLIONS OF DOLLARS FROM PACIFIC GAS AND ELECTRIC COMPANY AND FROM UNITED STATES OF AMERICA

POINTS AND AUTHORITIES

Message from the Hon. ELAINE M. HOWLE, CPA, State Auditor

"We recognize that the citizens and the government rely on us to ensure the effective and efficient administration and management of public funds and programs. It is our job to help make sure that California government stays one step ahead. As the State's independent external auditor, we provide nonpartisan, accurate, and timely assessments of California government's financial and operational activities in compliance with generally accepted government auditing standards. I hope you find the results of our efforts useful and informative."

DEMAND BY THE VICTIMS FROM THE TOWN OF HINKLEY, CA 92347, FOR AN IMMEDIATE INVESTIGATION AND REPORTING TO THE CITIZENS OF THIS COUNTRY OF THE OUTCOME

"INVESTIGATION. While the California State Auditor lacks enforcement powers, the State Auditor is authorized to report publicly on the results of any investigation that substantiates an improper governmental activity has occurred. The State Auditor may make recommendations to a state department when reporting on an investigation to address the reported improper activity and prevent it from recurring. "<https://www.bsa.ca.gov/pdfs/reports/I2014-1.pdf>"

ALLEGATIONS

1. Unjust enrichment by the Lahontan Board's staff Patty Kouyoumdjian, Lauri Kemper, Lisa Denbarch; and by the Board Members: Dorene D'Adamo, Vice Chair Frances Spivy Weber, Chair Felicia Marcus, Steven Moore, and Tam Doduc, at the expense of the Victims from the town of Hinkley, CA 92347 who has sustained health damages and irreparable harm to their realties. The huge unjust enrichment resulted therefrom received \$ 3,500,000.00, \$ 1,800,000.00, \$ 346,000.00 and all other (under the table substantial retainment dollars), from Pacific Gas and Electric Company (PG&E), alleged to be the Board's staff and Board's members new employer.
2. Under the disguise of purported study by Mr. Izbicki from USGS, as to what is naturally occurring chromium verse anthropogenic, a study which will accomplish nothing meaningful, but it will definitely shield PG&E from further investigations, strict liabilities and prosecution, PG&E paid the Boards all that money, that now must be accounted under the microscope, since are alleged as "bribery money". The Victims will be soon submitting massive Volume of allegations.
3. The Board's staff and Members admitted that has deposited all that money and nothing was withdrawn for inappropriate activities. The Victims says "let's find out"
4. The Board's staff and Members, also received \$ 1,000,000.00 (rounded) from the Federal Government, under the pretext that such money will be paid to Mr. Izbicki from USGS.
5. The Victims will, under separate cover transmit Volume of allegations in regards to misappropriation of Federal Funds, causing not only unjust enrichment to the Board's staff, the Board's members, but to Mr. Izbicki.
6. Here, the Victims further alleges massive conspiracy, obviously when the corporate moneys talks, all the rest of the governmental staffer's integrities walks. It is more than obvious of who is the new employer of the State of California Board's staffers and members.

This is massive investigation, that will thwart all other by the California State Auditor, in its history.

It is time (time-out) for massive check and balances, not only to save the Victims from myriad of illnesses and diseases, but premature death (wrongful death) that resulted therefrom being poisoned with toxic substances, definitely caused by PG&E, beyond any reasonable doubt.

There is a pattern of misconduct by Board's managers. See attached hereto Exhibits, the \$3,500.00 embezzled money, construed as a tip of an iceberg. Let's talk about the multi-millions received.

EXHIBIT “18”

December 23, 2014

Investigative Report I2014-1

The Governor of California
President pro Tempore of the Senate
Speaker of the Assembly
State Capitol
Sacramento, California 95814

Dear Governor and Legislative Leaders:

Pursuant to the California Whistleblower Protection Act, the California State Auditor (state auditor) presents its investigative report summarizing investigations that were completed concerning allegations of improper governmental activities.

This report details 10 substantiated allegations involving several state departments. Through our investigations, we found theft of state funds, waste of public resources, improper headquarters designations and improper travel expenses, and incompatible activities. In one case, we determined that a manager at the State Water Resources Control Board (Water Board) embezzled more than \$3,500 in state funds that she received when she recycled surplus state property on behalf of the Water Board. In addition, the California Military Department (Military Department) failed to keep an accurate inventory of state property of its Camp Roberts training facility, which led to a loss of inventory valued at \$33,400. Although the Military Department subsequently implemented a corrective action plan intended to prevent further waste, it has not yet completed its effort to ensure accountability for state property more than three years after it provided the state auditor with its plan.

Respectfully submitted,



ELAINE M. HOWLE, CPA
State Auditor

OFFICE OF CHIEF TRIAL COUNSEL/INTAKE
The State Bar of California
845 S. Figueroa Street
Los Angeles, CA 90017-2515
PM 13.1

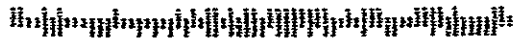
Name

Street

City

State

Zip



We have received your complaint against a California attorney and have assigned it the number shown below. We will contact you when our evaluation of your matter is complete.

Thank you for your patience.

OFFICE OF CHIEF TRIAL COUNSEL/INTAKE

Inquiry #

15-22643

BF1030 Rev 12/2013

EXHIBIT "19"

BRYAN CAVE

Roxana Vatanparast
Direct: 415/675-3420
Fax: 415/675-3434
roxana.vatanparast@bryancave.com

January 6, 2015

CONFIDENTIAL SETTLEMENT COMMUNICATION

VIA U.S. MAIL

Bryan Cave LLP
360 Mission Street, 25th Floor
San Francisco, CA 94105-2894
Tel: (415) 268-2000
Fax: (415) 268-1999
www.bryancave.com

Re: [REDACTED] v. Bank of America N.A., et al. - San Bernardino Superior Court Case
No. CIV-061413454


Dear Mr. and Mrs. [REDACTED]

As you know, my firm represents defendant Bank of America, N.A. ("Bank of America") in the above-referenced litigation matter (the "Action"). I write to meet and confer on the substance of your claims and other topics as required by the Rules of Court.

In addition, while it is my client's position that the allegations contained in the Complaint lack any merit, in an effort to bring this matter to a speedy conclusion—and because my clients are not interested in spending time engaged in needless litigation—I am authorized to offer to settle the Action for the amount of \$2,500.00. This offer is conditioned upon dismissal of the entire Action with prejudice and execution of a settlement agreement and release of Bank of America that will contain confidentiality and non-disparagement provisions. If you agree to expeditiously settle this case, we will waive our attorney's fees and costs.

If acceptable, please confirm in writing and I will draft a proposed settlement agreement for your review. This offer will remain open until 5:00 p.m. on Tuesday, January 20, 2015, at which time it will terminate without further notice. I look forward to hearing from you.

Very truly yours,


Roxana Vatanparast

Bryan Cave Offices

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Hamburg
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EXHIBIT "20"

VICTIMS TOWN OF HINKLEY
Temporary Mailing Address:

July 15, 2015

REQUEST FOR REVIEW OF COMPLAINT AND HEARING ON COMPLAINT

Attn: Hon. Richard A. Honn, Review Judge;
Hon. W. Kearse McGill, Hearing Judge;
Hon. Donald F. Miles, Hearing Judge;
Hon. Yvette D. Roland, Hearing Judge.
State Bar of California
Intake Unit
845 S. Figueroa St.
Los Angeles, CA 90017-2515

COMPLAINT BEFORE THE STATE BAR AND STATE BAR COURT OF CALIFORNIA

The Victims from the town of Hinkley, CA 92347, per attached hereto signatures' pages, are submitting, as each of them, this complaint against the trial attorneys for Pacific Gas and Electric Company (PG&E), Mr. Ruben Alonso Castellon, State Bar #154610 and Mr. Alastair F. Hamblin, State Bar # 282044, from Castellon & Funderburk LLP, 811 Wilshire Blvd Ste 1025, Los Angeles, CA 90017 (213) 623-7515, and are seeking hearing on the matter:

"Rules of Professional Conduct Rule 5-200 Trial Conduct. In presenting a matter to a tribunal, a member: (B) Shall not seek to mislead the judge, judicial officer, or jury by an artifice or false statement of fact or law; (C) Shall not intentionally misquote to a tribunal the language of a book, statute, or decision; (D) Shall not, knowing its invalidity, cite as authority a decision that has been overruled or a statute that has been repealed or declared unconstitutional; and (E) Shall not assert personal knowledge of the facts at issue, except when testifying as a witness." and "Rule 5-220 Suppression of Evidence. A member shall not suppress any evidence that the member or the member's client has a legal obligation to reveal or to produce."

Mr. Ruben Alonso Castellon and Mr. Alastair F. Hamblin has mislead the presiding Judge Hon. David Cohn, by intentionally (fraudulently) misleading, with absolutely false and prejudicial assertions, including but not limited to that the Plaintiffs (the Victims) has exhibited "tactical ploy" "forum shopping", and were "cut-off", and based upon such major violation of State Bar Rule 5-200 (35 cases), the Court erred by ordering highly prejudicial hearings, further alleged as biased, thereafter the Plaintiff voluntarily dismissed their entire actions, causing further, distinct and massive health injuries to all Plaintiffs in all of the thirty five separate and distinct dismissed cases by the Plaintiffs.

One of the Plaintiff's Notices filed with the Court, the State of California Superior Court, County of San Bernardino, Supervising judge, the Hon. Michael A. Sachs, is attached hereto for reference. (All papers of all Ex-Plaintiffs, now the Victims, were filed with that Court.)

EXHIBIT “21”

DEMAND BY THE VICTIMS FROM THE TOWN OF HINKLEY, CA 92347, FOR AN IMMEDIATE INVESTIGATION AND REPORTING TO THE CITIZENS OF THIS COUNTRY OF THE OUTCOME

VICTIMS TOWN OF HINKLEY

Temporary Mailing Address

July 18, 2015

Attn: Attn: Alfredo Gomez, Director,
Natural Resources and Environment
gomezj@gao.gov 202-512-3841
U.S. Government Accountability Office (GAO)
350 South Figueroa Street, Suite 1010
Los Angeles, CA 90071

Orice Williams Brown (202) 512-8678 williamso@gao.gov; A. Nicole Clowers (202) 512-8678 clowersa@gao.gov; Beryl H. Davis (202) 512-2623 davisbh@gao.gov; Office of Public Affairs (202) 512-4800 youngcl@gao.gov

INVESTIGATION REQUEST FOR IMPROPER PAYMENTS BY U.S. GOVERNMENT TO:

UNITED STATES GEOLOGICAL SURVEY, MR. JOHN A. IZBICKI, IN COLLABORATION WITH THE STATE OF CALIFORNIA LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD
Staff: Patty Kouyoumdjian, Lauri Kemper, Lisa Denbarch; STATE WATER RESOURCES CONTROL BOARD / Board Members: Dorene D'Adamo, Vice Chair Frances Spivy Weber, Chair Felicia Marcus, Steven Moore, and Tam Doduc

POINTS AND AUTHORITIES

"The Government Accountability Office, the audit, evaluation, and investigative arm of Congress, exists to support Congress in meeting its constitutional responsibilities and to help improve the performance and accountability of the federal government for the American people. GAO examines the use of public funds; evaluates federal programs and policies; and provides analyses, recommendations, and other assistance to help Congress make informed oversight, policy, and funding decisions. GAO's commitment to good government is reflected in its core values of accountability, integrity, and reliability"

ALLEGATIONS

1. Mr. John A. Izbicki, from United States Geological Survey (USGS) was enticed by the Lahontan Regional water Quality Control Board to perform study in determining what is the concentration of naturally occurring hexavalent Chromium versus anthropogenic that was caused by Pacific Gas and Electric Company (PG&E).

DEMAND BY THE VICTIMS FROM THE TOWN OF HINKLEY, CA 92347, FOR AN IMMEDIATE INVESTIGATION AND REPORTING TO THE CITIZENS OF THIS COUNTRY OF THE OUTCOME

2. It is alleged that since it is impossible to determine the concentration's differences, due to massive dilution that occurred for over two decades with other substances, caused by PG&E and therefore such study are not only superfluous, but are with the unscrupulous intent to cover up and conceal the true facts, that there is only one source, the PG&E's operation, thus the ultimate intent was to shield PG&E from investigation and prosecution.
3. Unjust enrichment has occurred to Mr. John A. Izbicki and the Lahontan Board's staff Patty Kouyoumdjian, Lauri Kemper, Lisa Denbarch; and by the Board Members: Dorene D'Adamo, Vice Chair Frances Spivy Weber, Chair Felicia Marcus, Steven Moore, and Tam Doduc, at the expense of the Victims from the town of Hinkley, CA 92347 who has sustained health damages and irreparable harm to their realties. The huge unjust enrichment resulted therefrom received \$1,000,000.00 From United States Government and \$ 3,500,000.00, \$ 1,800,000.00, \$ 346,000.00 and all other (under the table substantial retainment dollars), from Pacific Gas and Electric Company (PG&E), alleged to be the Board's staff and Board's members new employer.
4. Under the disguise of purported study by Mr. Izbicki from USGS, as to what is naturally occurring chromium verse anthropogenic, a study which will accomplish nothing meaningful, but it will definitely shield PG&E from further investigations, strict liabilities and prosecution, PG&E paid the Boards all that money, that now must be accounted under the microscope, since are alleged as "bribery money". The Victims will be soon submitting massive Volume of allegations.
5. The Board's staff and Members admitted that has deposited all that money and nothing was withdrawn for inappropriate activities. The Victims says "let's find out"
6. The Board's staff and Members, also received \$ 1,000,000.00 (rounded) from the Federal Government, under the pretext that such money will be paid to Mr. Izbicki from USGS.
7. The Victims will, under separate cover transmit Volume of allegations in regards to misappropriation of Federal Funds, causing not only unjust enrichment to the Board's staff, the Board's members, but to Mr. Izbicki.
8. Here, the Victims further alleges massive conspiracy, obviously when the corporate moneys talks, all the rest of the governmental staffer's integrities walks. It is more than obvious of who is the new employer of the State of California Board's staffers and members.

This is massive investigation, that will thwart all other by the California State Auditor, in its history.

It is time (time-out) for massive check and balances, not only to save the Victims from myriad of illnesses and diseases, but premature death (wrongful death) that resulted therefrom being poisoned with toxic substances, definitely caused by PG&E, beyond any reasonable doubt.

There is a pattern of misconduct by Board's managers. See attached hereto Exhibits, the \$3,500.00 embezzled money, construed as a tip of an iceberg. Let's talk about the multi-millions received.

[REDACTED]

[REDACTED]

EXHIBIT "22"

IN RESPONSE TO LETTER DATED MAY 27, 2015 FROM LAURI KEMPER, ASSISTANT EXECUTIVE OFFICER, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-LAHONTAN REGION (LEAD AGENCY IN OVERSIGHT, COMPELLING DISCHARGERS AND/OR WATER CONTAMINATORS TO INVESTIGATION AND PROSECUTION)

RESPONSE ON BEHALF OF THE PEOPLE OF THIS COUNTRY, CONFINED TO THOSE PER SIGNATURES PAGES, BY [REDACTED] HEREINAFTER "THE PEOPLE".

May 29, 2015

Lauri Kemper, PE, Assistant Executive Officer, California Regional Water Quality Control Board-Lahontan Region, is hereinafter addressed as the ("Water Board"), and [REDACTED] on behalf of those confined to Signatures Pages, as The People of this country, is hereinafter addressed as ("The People").

1. WATER BOARD STATEMENTS

1. The Water Board stated, at Page 1 of the Board's letter: *"Response to Correspondence Received Regarding Arsenic and Uranium in Hinkley, San Bernardino County Water Board staff has received several pieces of recent correspondence from you: letters dated April 30 and May 7, 2015; and emails dated May 4 and May 6, 2015. This letter responds to comments and concerns in your correspondence.*

"I. ARSENIC AND URANIUM LEVELS IN DOMESTIC WELLS IN HINKLEY AREA
Your letters and emails express concerns related to arsenic and uranium levels in wells in the Hinkley area. You assert that PG&E's remedial actions have caused such constituents in the aquifer in the Hinkley area and that the Water Board has delayed disclosure of facts or intentionally concealed or failed to warn of facts (related to levels of arsenic and uranium in the Hinkley aquifer)."

RESPONSES AND STIPULATIONS

The People did not stated therein the Second Amended Complaint (SAC), (Excerpts therefrom the original SAC are marked as EXHIBIT "A", attached hereto and incorporated herein for reference), ***that "the Water Board has delayed disclosure of facts or intentionally concealed or failed to warn of facts (related to levels of arsenic and uranium in the Hinkley aquifer)."***

2. WATER BOARD STATEMENTS

The Water Board stated, at Page 1 of the Water Board letter: *"Water Board staff have disclosed and discussed arsenic and uranium data as we receive or become aware of it; for example, information on arsenic and uranium is disclosed in many publically-available documents produced by both the Water Board and PG&E. These documents are available online at the State Water Resources Control Board's Geotracker database at:*

http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL0607111288

or the Lahontan Water Board PG&E Hinkley Cleanup Project webpage at:

http://www.waterboards.ca.gov/lahontan/water_issues/projects/pge/index.shtml."

IN RESPONSE TO LETTER DATED MAY 27, 2015 FROM LAURI KEMPER, ASSISTANT EXECUTIVE OFFICER, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-LAHONTAN REGION (LEAD AGENCY IN OVERSIGHT, COMPELLING DISCHARGERS AND/OR WATER CONTAMINATORS TO INVESTIGATION AND PROSECUTION)

RESPONSE ON BEHALF OF THE PEOPLE OF THIS COUNTRY, CONFINED TO THOSE PER SIGNATURES PAGES, BY [REDACTED] HEREINAFTER "THE PEOPLE".

RESPONSES AND STIPULATIONS

The People are aware of only very partial statements and very partial concerns made by the Water Board in regards to Arsenic and Uranium presence in aquifer's drinking water, and there were no formal investigation's orders that resulted in any data disclosure as to the concentration of dissolved Arsenic and Uranium in the drinking water within the aquifers beneath the town of Hinkley, CA 92347, including but not limited to the any investigation orders that resulted to PG&E's disclosure of tests conducted by PG&E via hundred of PG&E's monitoring-extraction-injection wells, that were made compelling upon Pacific Gas and Electric Company, hereinafter ("PG&E"). Thus, PG&E's statements are incomprehensible, vague and ambiguous.

3. WATER BOARD STATEMENTS

The Water Board stated, at Pages 1 and 2 of the Water Board letter: "*A partial listing of available documents includes:*

- *2013 Environmental Impact Report for Comprehensive Cleanup of Chromium in Groundwater (see, for example, section 3.1, Water Quality; Mitigation Measure WTR-MM-2b, "Water Supply Program for Wells Affected by Remedial Byproducts"; Mitigation Measure WTR-MM-5 "Investigate and Monitor TDS, Uranium and other Radionuclides in relation to Agricultural Treatment and Take Contingency Actions"). Available at http://www.waterboards.ca.gov/lahtontan/water_issues/projects/pge/feir.shtml.*
- *Water Board Investigative Order No. R6V-2012-0057, Request for Uranium and Gross Alpha and Beta Data, issued to PG&E on November 2, 2012.*
- *Radionuclide Summary Report, dated November 30, 2012, submitted by PG&E in response to Investigative Order No. R6V-2012-0057."*

RESPONSES AND STIPULATIONS

The issue, now at-issue is that PG&E had a data on Uranium, Radionuclides Gross Alpha and Gross Beta Radiation, on or before April 17, 2014, however did not disclosed such data to the Water Board until February 2015. See EXHIBIT "A", SAC Page 13, stipulating: "34. Plaintiff is now, as of February, 2015, informed and believe that the Defendant and each of them knew, at all times since April 2011, that the aquifers in the town of Hinkley, California 92347 are poisoned with Arsenic and Uranium over the regulatory legal limit, however intentionally delayed disclosure of such fact until February 2015, evidenced by posted therein State of California Water Board website, link: http://geotracker.waterboards.ca.gov/esi/uploads/geo_report/6316850662/SL0607111288.PDF , identifying results for Arsenic and Uranium that were posted therein said report, one of many examples at report, page 24 and 34, lab test page 6 and 21, on April 17, 2014, as to Uranium at concentration of 40 pCi/L (max. legal limit 20 pCi/L); and on April 30, 2014, report page 72, lab page 138, as to Arsenic,

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one of many examples for Arsenic, at concentration of 22 ppb (max. legal limit 10 ppb), and area covered by this report is small, less than ten percent of the town of Hinkley 92347 area.

Thus, the PG&E's statement are incomprehensible, vague and ambiguous.

That delayed disclosure is one year later. 35. Plaintiff is now informed, as of February 26, 2015, and believe, that such delayed disclosure act, is in addition to the intentional concealment of facts. See that COA at this SAC."

4. WATER BOARD STATEMENTS

The Water Board stated, at Page 2 of the Water Board Letter: *"Agricultural Treatment Unit Waste Discharge Requirements (Board Order No. R6V-2014-0023) Groundwater Monitoring Reports, submitted quarterly by PG&E since November 2013, containing data on uranium (among other constituents) in domestic and monitoring wells and soils in Hinkley.*

- *In-situ remediation zone (IRZ) Groundwater Monitoring Reports, submitted quarterly by PG&E since 2006 containing data on arsenic (among other constituents) in monitoring wells in Hinkley. The most recent report from First Quarter 2015 states that arsenic did not exceed drinking water standards in IRZ monitoring wells.*

- *PG&E's amended October 5, 2012 Whole House Replacement Water Report, dated March 1, 2013, reporting arsenic and radionuclide sampling data for domestic wells in the replacement water program."*

- *Southern Agricultural Treatment Unit Water Quality, dated February 25, 2015, submitted by PG&E, reporting irrigation and receiving water quality, including for arsenic and uranium, at the new agricultural treatment units (ATUs) near the compressor station (see tables 1 and 2)."*

RESPONSES AND STIPULATIONS

The issue of *"Groundwater Monitoring Reports, submitted quarterly by PG&E since November 2013, containing data on uranium (among other constituents) in domestic and monitoring wells and soils in Hinkley"* remained as unresolved, incomprehensible, vague and ambiguous, based upon herein stipulations that the Water Board did not have the true evidence, in an effort to issue Investigation Order, thus PG&E did concealed the fact of poisoned drinking water within the aquifers beneath the town of Hinkley, CA 92347 with Uranium, causing the Water Board not to do anything further.

Furthermore, the Water Board not only did not, based upon PG&E's statements *"The most recent report from First Quarter 2015 states that arsenic did not exceed drinking water standards in IRZ monitoring wells"* had any information as to Arsenic concentration in the drinking water within the aquifers beneath the town of Hinkley, CA 92347, but the PG&E's statement *"that arsenic did not exceed drinking water*

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standards" is construed as not only as concealment of facts, nondisclosure and failure to warn The People, but incomprehensible, vague and ambiguous, causing the Water Board not to act accordingly.

5. WATER BOARD STATEMENTS

The Water Board stated, on Pages 2 and 3 of the Water Board Letter: *"We require monitoring for arsenic and uranium in waste discharge permits issued to PG&E by the Water Board for its remediation activities. Both arsenic and uranium occur naturally in soils and rocks in the Hinkley area. A discussion of how naturally-occurring arsenic and uranium levels could be affected by PG&E's remediation actions, and what the Water Board requires of PG&E regarding monitoring, investigating, and mitigating any impacts to domestic wells, is provided below.*

Uranium

As stated in the Environmental Impact Report (EIR) prepared for the Hinkley chromium groundwater cleanup project (see, for example, pages 3.1-41 through 43), uranium is not a constituent associated with PG&E's waste discharge (uranium or its byproducts were not and are not used by PG&E in its compressor station operations, nor is uranium added to the groundwater by PG&E as part of injection of ethanol, fresh water or other compounds). Uranium is a naturally occurring radioactive element in rocks, soil, water, and plants. Naturally occurring uranium (approximately 4 parts per million) has been found in rocks in a number of locations in the Mojave Desert. Uranium and other naturally occurring radioactive materials have been detected in the Mojave River Groundwater Basin and are likely attributed to the mineralogy of the granitic rocks observed in the lower regional aquifer."

RESPONSES AND STIPULATIONS

Here, The People asserts of the highly unscrupulous data supplied to the Water Board by PG&E, leading to the Water Board statement *"uranium is not a constituent associated with PG&E's waste discharge"*.

In the absence of real and unconditional investigation of at least, as a bare bone minimum, sampling and testing of the PG&E's 35 monitoring-injection-extraction wells, believed to produce meaningful, absent of purging such wells with fresh water and sampling conducted of the drinking water in as-is state (unfiltered), from the aquifers beneath the town of Hinkley, CA 92347, and at least 30 locations in aquifers beneath 30 domestic supply wells, the statement made by the Water Board based upon PG&E's statement that *"uranium is not a constituent associated with PG&E's waste discharge"*, is not only inconclusive, not based upon facts, absent of real investigation to discover the true, but highly incomprehensible, vague and ambiguous.

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The issue of "*uranium or its byproducts were not and are not used by PG&E in its compressor station operations, nor is uranium added to the groundwater by PG&E as part of injection of ethanol, fresh water or other compounds*", is not at-issue at all, and is more appropriate to not even mention such statement.

In lieu of such unnecessary (word's dilution's statements) the Water Board should had stated "Investigation of dissolved Uranium origin and causation is mandatory upon PG&E, since the People had discovered, by utilizing analytical laboratories tests, Uranium in concentration much greater than naturally occurring dissolved Uranium in drinking water within the aquifers beneath Hinkley, CA.

There is no data specific for the town of Hinkley, CA 92347 as to "*Naturally occurring uranium (approximately 4 parts per million) has been found in rocks in a number of locations in the Mojave Desert. Uranium and other naturally occurring radioactive materials have been detected in the Mojave River Groundwater Basin and are likely attributed to the mineralogy of the granitic rocks observed in the lower regional aquifer.*"

In the absence of data prior to the PG&E's remediation operations targeting only Hexavalent Chromium remediation, all statement as to the concentration of dissolved Uranium in the aquifers beneath the town of Hinkley, CA 92347, are not only highly speculative and inconsistent with any scientific facts, but incomprehensible, vague and ambiguous.

6. WATER BOARD STATEMENTS

In regards to The Water Board statements, Pages 3 and 4 of the Water Board letter: "*However, under the Water Board's regulatory authority, if PG&E's remediation actions could result in discharging naturally-occurring constituents to areas where they would not have migrated to otherwise (such as to ground, or to different portions of an aquifer such that domestic wells are impacted), then the Water Board can require PG&E to monitor, investigate and clean up those impacts. In 2011, during the development of the EIR, Water Board staff became aware of a study on groundwater pumping effects on uranium levels in the San Joaquin Valley of California. In that study, a possible link was found between increased pumping for summer agricultural irrigation and the mobilization of naturally-occurring uranium to deeper aquifers tapped by irrigation supply wells (Jurgens et al [2009]. Case Study: Effects of Groundwater Development on Uranium: Central Valley, California, USA. National Groundwater Association and U.S. Geological Survey, California Water Science Center). Around that time, PG&E sampled several newly-acquired irrigation wells north of Highway 58 for water quality constituents, including uranium and other radionuclides. The results were reported to the Water Board in agricultural unit monitoring reports and indicated concentrations of uranium above maximum contaminant levels.*

Water Board staff responded to this information in three ways:

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1) In the EIR, the Water Board identified this potential for mobilizing uranium due to agricultural pumping as a potentially significant and unavoidable impact (see impact WTR-2e discussion starting on EIR page 3.1-90), and specified investigation and monitoring to determine if this was in fact occurring, or could occur in the future due to PG&E's remediation actions (see associated mitigation measures discussion starting on EIR page 3.1-109, particularly mitigation measures WTR-MM-2, -2b, -2c, -4, and-5).

2) To implement the EIR requirements for uranium, the Water Board issued the Agricultural Treatment Unit Waste Discharge Requirements (ATU permit) in March 2014 requiring PG&E to sample domestic, agricultural and monitoring wells near its remediation fields, as well as soils and plants in the fields, to determine if increases in uranium occur. If domestic wells near PG&E ATUs experience increases in uranium due to PG&E's remedial pumping, then PG&E must provide the well owners replacement water. If significant increases over baseline levels of uranium in soils are detected through required monitoring, then PG&E must propose an action plan to reduce those increases.

Further, PG&E is required to conduct an investigation of potential agricultural remediation byproducts, including uranium, to try to determine if its past agricultural treatment is affecting uranium levels (this is specified in the EIR's Mitigation Measure WTR-MM-5, which is also included as requirement in the ATU permit). If it is determined that agricultural treatment is affecting byproduct levels, then increased monitoring, replacement water for any affected wells, and restoration of water quality in the aquifer to pre-project levels following remediation are required.

It should be noted that remedial agricultural units operate exactly the same as non-remedial irrigated agricultural fields, which have existed in Hinkley since the 1920s.

Thus, if it is shown that agricultural treatment is affecting uranium levels (by mobilizing natural uranium), then current agricultural activities (not related to PG&E's remediation) outside the chromium plume, as well as historical agricultural activities throughout Hinkley Valley, are also likely to have affected uranium levels.

3) The Water Board investigated uranium levels in the Hinkley aquifer through collection of existing data and through a November 12, 2012, request to PG&E for their information (Investigative Order No. R6V-2012-0057). In response to Order No. R6V-2012-0057, PG&E submitted a Radionuclide Data Summary Report on November 30, 2012 (available on Geotracker at http://geotracker.waterboards.ca.gov/profile_report.asp?global_id=SL0607111288).

PG&E collected limited radionuclide groundwater samples for wells associated with agricultural irrigation supply, freshwater supply, and its domestic well sampling program.

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Data from agricultural unit supply wells and other sampling indicated total uranium levels of 25 to 59 pCi/L, 27 to 81 pCi/L for gross alpha and below 4 to 27 pCi/L for gross beta. Upper aquifer monitoring wells had total uranium levels from 3 to 32 pCi/L, 7 to 34 pCi/L for gross alpha and 6 to 9 pCi/L for gross beta. Lower aquifer monitoring wells had dissolved uranium levels from 1 to 2 pCi/L, 3 to 4 pCi/L for gross alpha and less than 4 to 5 pCi/L for gross beta.

Uranium data was also collected from sources other than PG&E.

San Bernardino County Department of Public Health provided copies of sampling results for two Hinkley area water systems permitted by San Bernardino County in which uranium levels ranged from 4.5 to 21.4 pCi/L in 2011 and 2012 samples. The Maximum Contaminant Level (MCL) set for uranium is 20 pico curies per liter.

RESPONSES AND STIPULATIONS

In regards to the Water Board statement, Page 4: *"It should be noted that remedial agricultural units operate exactly the same as non-remedial irrigated agricultural fields, which have existed in Hinkley since the 1920s."* is **grossly incorrect**, based upon the following stipulations: "Non-remedial irrigated agricultural fields, which have existed in Hinkley since the 1920's did not operated the same as PG&E's numerous remedial operations, a fact beyond any reasonable doubt.

Many farmers in Hinkley, CA 92347 were interviewed by The People and all have stated that they have not injected any substances in any water well during all time since 1920's, which is contrary to what PG&E has injected in their injection wells, during the past decade, and during the several types of remedial (Hexavalent Chromium) operations, being many substances purported to convert the Hexavalent Chromium to Chromium 3, including but not limited to ethanol, vegetable oil and various resins, thus it is not the same.

In regards to the water Board statements, Page 4: *"Thus, if it is shown that agricultural treatment is affecting uranium levels (by mobilizing natural uranium), then current agricultural activities (not related to PG&E's remediation) outside the chromium plume, as well as historical agricultural activities throughout Hinkley Valley, are also likely to have affected uranium levels"*, none of the *"current agricultural activities (not related to PG&E's remediation)"* has, nor it will affect uranium level, since there is no data to support assertions to that statement, thus statements relating to other than PG&E's operations are just highly speculative, not based on facts, which supersedes scientific presentations, and therefore incomprehensible, vague and ambiguous. Furthermore, even PG&E's asserts that there is no plume, and therefore the word plume is as well, vague and ambiguous. There is just one big body of underground water, called aquifer, migrating between layers of gravel, sand, and other strata, in any direction, caused by the hydrological phenomena of the "mother nature", unless intercepted by PG&E, in an attempt to temporarily divert away from domestic supply wells, thus preventing true discovery.

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In regards to the Water Board statements, Page 4: *"PG&E collected limited radionuclide groundwater samples for wells associated with agricultural irrigation supply, freshwater supply, and its domestic well sampling program"*, The People hereby asserts, that not only PG&E refrained to conduct the appropriate investigation, not only avoided to test more than just few, "cherry picked" wells, knowing very well that such cherry picked wells have the least concentration of dissolved Uranium in the drinking water within the town of Hinkley's aquifers, thus concealed all true facts, but failed to warn The People of not to drink the water, since it s poisoned with Uranium, thus such act could be construed as fraud, a felony under the Penal Code.

In regards to the Water Board statement, Page 4: *"To summarize, it is established by various sources that groundwater in the Mojave Desert and the Hinkley area contains uranium and other radionuclide levels that are above their respective MCLs, as you note in your correspondence. The Water Board has disclosed and discussed this information, and this information is readily publically available. However, the Water Board does not have information that uranium is the result of unauthorized waste discharges by PG&E or others. To the extent that PG&E's remediation actions may mobilize uranium to areas where it could impact domestic wells, the Water Board uses its regulatory authority to require monitoring and investigation, replacement water in some cases, and clean up or remediation, if needed"*, The People hereby demand that full and unconditional investigation is launched, all in an effort to confirm and reconfirm the findings of The People. Contrary decision is not what The People have delegated to this Water Board. Time is out. Investigation will commence by other authorities, in the event of refusal by this Water Board to investigate.

CONCLUSION AS TO URANIUM

PG&E, THEN THE FIRST PARTY TO DISCOVER, BY NOT WARNING THE PEOPLE OF THAT FACT, WHICH ACT WOULD HAD TRIGGER THE PEOPLE TO IMMEDIATELY STOP DRINKING AND USING POISONED WITH DISSOLVED URANIUM IN GROUND DRINKING WATER, OVER THE LEGAL LIMITS, OVER THE MAXIMUMCONTAMINANT LEVEL CODIFIED INTO LAW, FURTHER TRIGGERS THE PEOPLE TO NOW PRESS CHARGES WITH DISTRICT ATTORNEY AGAINST PG&E, ALSO BASED UPON VERY RECENTLY MENTIONED STATEMENT THEREIN EXHIBIT "B", ATTACHED HERETO FOR REFERENCE, BEING A LETTER FROM CALIFORNIA DEPARTMENT OF JUSTICE (CAL/DOJ). FURTHERMORE, THE WATER BOARD SHOULD HAVE, AS WELL, WARN THE PEOPLE, INSTEAD OF PROMULGATING THAT "THE WATER IS SAFE TO DRINK", EXHIBIT "C", ATTACHED HERETO FOR REFERENCE, A PROMULGATED LETTER.

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7. WATER BOARD STATEMENTS

The Water Board stated, Pages 4 and 5 of the Water Board letter: *"Arsenic Arsenic is also a naturally occurring element in Mojave Desert soils and groundwater. The US Geological Survey conducted sampling for various constituents in wells in the Mojave Water Agency management area from 1991 to 1997, including wells in the Hinkley area. Naturally-occurring arsenic concentrations in water from wells in the western Mojave Desert commonly exceed 10 parts per billion (ppb) and some exceed 100 ppb. Along the Mojave River upgradient of the PG&E compressor station, the USGS study found arsenic in wells (up to 200 feet in depth) ranging from less than 1 ppb to 12 ppb with most concentrations under 10 ppb. North of Highway 58, the USGS study found arsenic in one well at a concentration of 52 ppb.*

RESPONSES AND STIPULATIONS

In regards to Water Board assertion that dissolved Arsenic in drinking water can reach up to 100 ppb, The People have conclusive evidence, test completed by there scientific analytical, state approved, laboratories, indicating that the aquifers beneath the domestic supply water wells of those per Signatures Pages, have huge concentration, up to 2,500 ppb, with many over 100 ppb concentration, thus lessening the PG&E's liability stops here. There are no other known contaminants of the ground drinking water within the aquifers in the town of Hinkley, CA 92347, nor there are any other than PG&E conducting remedial operations, and therefore, the only source of contamination with dissolved Uranium is PG&E.

In regards to Water Board statements, Pages 5 and 6 of the Water Board letter: *"Water Board staff acknowledge that in-situ remediation actions (e.g., addition of ethanol to groundwater) conducted by PG&E in the area south of Highway 58 can temporarily mobilize naturally-occurring metals, including arsenic, into groundwater. Therefore, the Water Board, in its remediation permits issued to PG&E, requires monitoring and mitigation measures to ensure that such mobilization does not impact domestic wells, described below, there are no actions by the Water Board compelling PG&E to test at least 35 monitoring-supply-injection wells, throughout the town of Hinkley, CA 92347, identified as "subject to test due to suspected of being poisoned with Arsenic", within the aquifers, town of Hinkley, CA 92347, despite the fact that PG&E has over 600 such wells, readily available to be tested by PG&E, nor there is any whatsoever effort by the water Board to compel PG&E to disclose the concentration in ppb of at least 35 such wells, thus PG&E has not disclose the true facts, indicating what The People believe to be massive concealment of facts, in the cumulative impacts.*

In regards to the Water Board statement, that: *"Starting in 2004, PG&E began pilot-testing in-situ zone (IRZ) remediation actions near its compressor station. Pilot testing involved the injection of two food-grade organic substrates (emulsified vegetable oil and sodium lactate) into groundwater to create conditions in which dissolved hexavalent chromium in groundwater is converted to solid trivalent*

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chromium, effectively removing it from groundwater and sequestering it in aquifer sediments. The Water Board issued waste discharge permits for this pilot testing (and subsequent expanded-scale actions) in 2004, 2006 and 2008. These permits were accompanied by publically available environmental documents which disclosed that such injections would liberate and temporarily mobilize naturally-occurring metals such as arsenic, manganese and iron (called in-situ byproducts) from the aquifer soils, and specified extensive monitoring and mitigation measures to ensure that such byproducts would be contained within project boundaries and not reach domestic wells. The 2013 EIR also describes the potential for IRZ byproducts to increase in the aquifer temporarily (see impact discussion starting on EIR page 3.1-100), there is no substantive action by PG&E to disclose the facts that such injection had caused mobilizing and had caused dissolving the Arsenic in the ground drinking water within the aquifers in the town of Hinkley, CA 92347, thus further avoidance of disclosure has triggered the doctrine of fraud.

In regards to the water Board statementS, Pages 5 and 6: "As described above for uranium, if it is determined that IRZ byproducts such as arsenic may affect domestic wells, then replacement water for such wells, and restoration of water quality in the aquifer to pre-project levels in the future are required (see mitigation measures discussion starting on EIR page 3.1-109, particularly mitigation measures WTR-MM-2, -2b, -4, and -7).

Monitoring data from over six years of IRZ operation, including a byproducts investigation conducted in 2012-13, indicates that byproducts generated in the IRZ: travel in the direction of groundwater flow (generally northward); 2) lessen or attenuate within project boundaries back to threshold concentrations, and 3) have not affected nearby domestic wells. Of the three dissolved metal byproducts, monitoring data indicate that manganese typically travels the farthest in groundwater compared to iron or arsenic. Groundwater movement tracer tests related to the 2012-13 investigation are still ongoing, but preliminary data from those tests support the conclusion that IRZ byproducts have not left the project area and therefore are not affecting nearby domestic wells.

Monitoring of approximately 35 domestic wells located near ATUs and IRZs for remediation byproducts is ongoing on a quarterly basis. Data from this monitoring is shown in ATU Groundwater Monitoring Reports, submitted quarterly on February 20, May 20, August 20, and November 20 of each year. These reports are available on Geotracker at the web address noted above. IRZ quarterly monitoring reports are submitted January 15, April 15, July 15, and October 15 of each year and are also available on Geotracker", monitoring only is extremely insufficient means and methods to disclose the true facts, the fact that virtually the entire aquifer beneath the town of Hinkley, CA 92347 is saturated with dissolved Arsenic, as a direct result thereof PG&E remedial operations.

If the Water Board objects such fact, lets find out by commencing an immediate and unconditional investigation of at least 35 domestic supply wells and at least 35 of PG&E's monitoring-extraction-injection wells.

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In regards to the Water Board assertions, Page 6: *"In summary, Water Board staff has disclosed and discussed numerous sources of data regarding arsenic and uranium in the Hinkley area, and continue to require PG&E to monitor for those constituents in waste discharge permits issued for ATU and IRZ operations. Monitoring requirements are set for domestic and monitoring wells, irrigation wells, soils, and plant tissue samples. These requirements and resultant data are readily available online, or by requesting to review the Water Board's hardcopy files (see http://www.waterboards.ca.gov/lahontan/resources/public_records/index.shtml for information on Public Records Act requests), The People are more than aware of the PRC, and there is no need to overemphasize such act, but rather go to the motion to discover the real true facts, the Poisoning of the aquifer's drinking water with Arsenic by PG&E, infinitely.*

8. WATER BOARD STATEMENTS

The Water Board stated, Page 6 of the Water Board letter:

"II. PROPOSED CLEANUP AND ABATEMENT FOR WASTE CHROMIUM DISCHARGES

You are also concerned that Water Board's proposed 2015 Cleanup and Abatement Order requiring PG&E to cleanup chromium contamination due to historical releases from its Hinkley Compressor Station does not mention arsenic and uranium levels. The proposed CAO, released for public comment from January 21 to March 13, 2015, is available at

http://www.waterboards.ca.gov/lahontan/water_issues/projects/pge/cao/

"As described above, the Water Board does not have evidence that PG&E's actions, either historic or current, have resulted in unauthorized waste discharges of arsenic or uranium to the groundwaters of the Hinkley aquifer or domestic wells.

RESPONSES AND STIPULATIONS

The People are hereby not only stipulating but demanding that the Water Board compel all party, including The People and PG&E, to commence immediate and unconditional sampling and testing of all wells, whether the aquifers beneath those per Signatures Pages via the 35 domestic water wells, or the aquifers within the PG&E's 35 monitoring-extraction-injection wells. Any further excuses that the Water Board does not have the evidence, will be resolved by such tasks.

The People are hereby dismayed of the following statements made by the Water Board: *"Therefore, it is not necessary or relevant to discuss arsenic or uranium levels in the proposed CAO. Unauthorized waste discharges of total and hexavalent chromium did occur as a result of compressor station operations in the 1950s and 1960s, and those discharges are the appropriate subject of the CAO. Further, and as described above, the Water Board, through its two permits authorizing chromium remediation activities, is requiring ongoing monitoring of arsenic and uranium to track changes due to PG&E's remediation activities and to require corrective actions when needed".*

IN RESPONSE TO LETTER DATED MAY 27, 2015 FROM LAURI KEMPER, ASSISTANT EXECUTIVE OFFICER, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-LAHONTAN REGION (LEAD AGENCY IN OVERSIGHT, COMPELLING DISCHARGERS AND/OR WATER CONTAMINATORS TO INVESTIGATION AND PROSECUTION)

RESPONSE ON BEHALF OF THE PEOPLE OF THIS COUNTRY, CONFINED TO THOSE PER SIGNATURES PAGES, BY [REDACTED] HEREINAFTER "THE PEOPLE".

If "it is not relevant to discuss Arsenic and Uranium levels in the proposed CAO, then The People demand that is not only to be discussed under urgently issues Investigation Order by the Water Board, under the heading "ARSENIC AND URANIUM INVESTIGATION ORDER".

9. WATER BOARD STATEMENTS

The Water Board stated , Page 6 and 7:

"III. OTHER ISSUES RAISED IN CORRESPONDENCE Allegations of Bias

In your May 7, 2015 letter, you state that the Water Board "should refrain to utilize any study by the USGS, on the grounds that Dr. Izbicky (sic) from USGS was paid by Pacific Gas and Electric Company, over \$4 million, and therefore any such study will be legally construed as biased." You also state that the "so-called IRP Manager controlled by the private company Project Navigator, LLC, paid by Pacific Gas and Electric Company, is hereby construed by The People, as totally biased organizations (sic) . . . and must not be promulgated nor proclaimed . . . as performing task (sic) for the Community of Hinkley."

Regarding the Hinkley chromium background study conducted by Dr. Izbicki of the USGS: Dr. Izbicki's involvement in the background study came about, in large part, through numerous requests to the Water Board and contacts to Dr. Izbicki by Hinkley residents who were adamant that any chromium background study should be conducted under the direction of the USGS, an unbiased, non-regulatory federal agency. The USGS, and Dr. Izbicki in particular, has unique expertise on the occurrence of chromium in aquifers of the Mojave Desert, and has developed specialized techniques to investigate the sources of chromium in groundwater. The Water Board and PG&E share the Hinkley residents' desire to leverage the unbiased expertise of the USGS in determining background chromium levels in the Hinkley Valley.

Funds for the USGS background study were deposited by PG&E into a trust account held by the State Water Resources Control Board. This allowed the Water Board to enter into an independent contract with the USGS to develop workplans and conduct groundwater investigation activities in the Hinkley area to assess background levels of chromium in groundwater. Water Board staff oversee the contract with the USGS, and the State Water Board issues payment to the USGS once Water Board staff approves USGS's invoices for work. PG&E has no role whatsoever in the disbursement of actual payments to the USGS for the background study work. Once PG&E's funds were deposited into the State Water Board's trust account, those funds became under the sole control of the state of California, and PG&E has no control or influence over the disbursement of such funds.

Water Board staff have gone to great lengths executing the contract with the USGS to ensure that the results of the background study are unbiased, acceptable to the community, and based on the best available science, methods and analysis.

Regarding the Independent Review Panel (IRP) Manager, Project Navigator: Project Navigator staff is under contract to PG&E, and paid by PG&E directly. However, members of the Hinkley community,

IN RESPONSE TO LETTER DATED MAY 27, 2015 FROM LAURI KEMPER, ASSISTANT EXECUTIVE OFFICER, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-LAHONTAN REGION (LEAD AGENCY IN OVERSIGHT, COMPELLING DISCHARGERS AND/OR WATER CONTAMINATORS TO INVESTIGATION AND PROSECUTION)

RESPONSE ON BEHALF OF THE PEOPLE OF THIS COUNTRY, CONFINED TO THOSE PER SIGNATURES PAGES, BY [REDACTED] HEREINAFTER "THE PEOPLE".

primarily through the Hinkley Community Advisory Committee, provide input on the scope of work each year. Project Navigator's work products are developed in collaboration with the Hinkley Community Advisory Committee. Project Navigator's primary role is to provide technical assistance to Hinkley residents, so they may understand and provide comments on many items, including reports from PG&E and orders from the Water Board.

RESPONSES AND STIPULATIONS

Now The People are being enlighten with the fact that the Water Board got the \$4 million from PG&E, and pays Izbicki / USGS, which fact have no bearing on what The People are hereby demanding, the unconditional and true sampling and testing of Aquifers via domestic water wells and via PG&E's monitoring-injection-extraction wells, for the infinite purposes, discovering of the poisoned aquifers beneath the town of Hinkley, CA 92347 with Arsenic and Uranium, and The People are not even interested to hear anything more in regards to the old, 60 years duration issue, the poisoning of the Aquifers beneath the town of Hinkley, CA 92347 with Hexavalent Chromium. If PG&E wants to pay for such study, go ahead, waste ratepayers' and investors' money.

In regards to: "*Regarding the Independent Review Panel (IRP) Manager, Project Navigator: Project Navigator staff is under contract to PG&E, and paid by PG&E directly. Project Navigator's primary role is to provide technical assistance to Hinkley residents, so they may understand and provide comments on many items, including reports from PG&E and orders from the Water Board*", The People hereby demurrer and strike any whatsoever (injected) involvement of any one, not a stakeholder in the controversy. The People does not and will not tolerate any party either speaking or representing or in any other way attaching then selves to The People, casing their unjust enrichment quest, while The People are suffering huge economic ad noneconomic loses, including but not limited to illnesses, diseases and wrongful death as a direct result of what PG&E has done to those victims, per the Signatures Pages. It is disgusting even to mention such private entities, not a party to anything.

10. WATER BOARD STATEMENTS

The Water Board stated, Pages 7 and 8: "*Request for Government Employee to Witness Sampling In an email dated May 4, 2015 and letters dated April 30 and May 7, 2015, you request that a government employee (assuming to be Water Board staff) be present to witness sampling conducted by you of the Hinkley aquifer at up to 35 locations, including private property (assuming at residents' drinking water wells); and you also state that the Board must order testing of 35 injection-extraction-monitoring wells operated by PG&E for unfiltered arsenic and uranium.*

IN RESPONSE TO LETTER DATED MAY 27, 2015 FROM LAURI KEMPER, ASSISTANT EXECUTIVE OFFICER, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-LAHONTAN REGION (LEAD AGENCY IN OVERSIGHT, COMPELLING DISCHARGERS AND/OR WATER CONTAMINATORS TO INVESTIGATION AND PROSECUTION)

RESPONSE ON BEHALF OF THE PEOPLE OF THIS COUNTRY, CONFINED TO THOSE PER SIGNATURES PAGES, BY [REDACTED] HEREINAFTER "THE PEOPLE".

RESPONSES AND STIPULATIONS

The People are no longer requesting the Water Board of witnessing of sampling, (there was no request for the water Board to test private wells), since The People will be involving Federal Government, due to recent victims subjected to "Complete Diversity Jurisdiction" issues, inclusive of the "Federal Question" and the following statement by the water Board is set-aside: *"Individual private well owners are responsible for conducting sampling of their own wells or authorizing access to others for the purpose of conducting the sampling. Sampling of monitoring wells constructed and owned by PG&E, must be done only by PG&E or others with permission and authorization from PG&E. Anyone accessing PG&E monitoring wells without PG&E's permission is committing an illegal activity".*

The People hereby rejects the testing that is using one of the EPA method, among many other, of "filtering" due to "solids interference". There are state certified laboratories that stipulates testing as-is, means "total", absent of any whatsoever "filtering", which in fact distorts the true readings and concentration of substances, such as Arsenic and Uranium, and therefore the following monitoring requirements are inconsistent with many other EPA's methods (that method was an "invented method" for Hexavalent Chromium): *"We note that under current monitoring requirements issued to PG&E, analysis for arsenic and uranium are run as "dissolved" concentrations. Samples collected from wells by PG&E are filtered before analysis to remove any solids that may interfere with sample analysis (the USGS uses this same procedure). This is the appropriate method for assessing contaminant levels in an aquifer.*

The People will not be positioned to accept any whatsoever attempt by PG&E to deter further testing, construed as an attempt to conceal facts, and The people hereby rejects the notion of "duplication", found therein: *"As described above, sampling for arsenic and uranium is ongoing (and has been occurring for some time) at domestic, monitoring, and remediation wells in Hinkley. Water Board staff rely on data collected by PG&E's consultants under its various Water Board-issued permits, cleanup and abatement orders, and investigative orders. PG&E is required to follow quality assurance/quality control protocols and use professionals and laboratories licensed by the state of California to collect and analyze data, and must report its results under the penalty of perjury. At this time, we do not see the need to duplicate PG&E's monitoring of their remediation wells.*

The State and regional water boards do not sample private domestic wells. If it is determined that sampling of private wells is necessary as part of an investigation of potential contamination by a human activity, the water boards will require sampling by the discharger's consultant, and generally would not conduct the sampling itself. Private well owners are responsible for sampling (or hiring professionals to sample) their own wells. We do not have the resources to oversee a private effort such as yours to conduct domestic well sampling when there is no evidence to suggest illegal discharges of waste have occurred. For more information on sampling your well, please see "A Guide for Private Domestic Well Owners" produced by the State Water Resources Control Board, revised April 2011, found at this web address: http://www.waterboards.ca.gov/gama/docs/wellowner_guide.pdf "

IN RESPONSE TO LETTER DATED MAY 27, 2015 FROM LAURI KEMPER, ASSISTANT EXECUTIVE OFFICER, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD- LAHONTAN REGION (LEAD AGENCY IN OVERSIGHT, COMPELLING DISCHARGERS AND/OR WATER CONTAMINATORS TO INVESTIGATION AND PROSECUTION)

RESPONSE ON BEHALF OF THE PEOPLE OF THIS COUNTRY, CONFINED TO THOSE PER SIGNATURES PAGES, BY [REDACTED] HEREINAFTER "THE PEOPLE".

CONCLUSION AS TO ARSENIC

PG&E, THEN THE FIRST PARTY TO DISCOVER, BY NOT WARNING THE PEOPLE OF THAT FACT, WHICH ACT WOULD HAD TRIGGER THE PEOPLE TO IMMEDIATELY STOP DRINKING AND USING POISONED WITH DISSOLVED ARSENIC IN GROUND DRINKING WATER, OVER THE LEGAL LIMITS, OVER THE MAXIMUMCONTAMINANT LEVEL CODIFIED INTO LAW, FURTHER TRIGGERS THE PEOPLE TO NOW PRESS CHARGES WITH DISTRICT ATTORNEY AGAINST PG&E, ALSO BASED UPON VERY RECENTLY MENTIONED STATEMENT THEREIN EXHIBIT "B", ATTACHED HERETO FOR REFERENCE, BEING A LETTER FROM CALIFORNIA DEPARTMENT OF JUSTICE (CAL/DOJ). FURTHERMORE, THE WATER BOARD SHOULD HAVE, AS WELL, WARN THE PEOPLE, INSTEAD OF PROMULGATING THAT "THE WATER IS SAFE TO DRINK", EXHIBIT "C", ATTACHED HERETO FOR REFERENCE, A PROMULGATED LETTER.

Dated: May 29, 2017

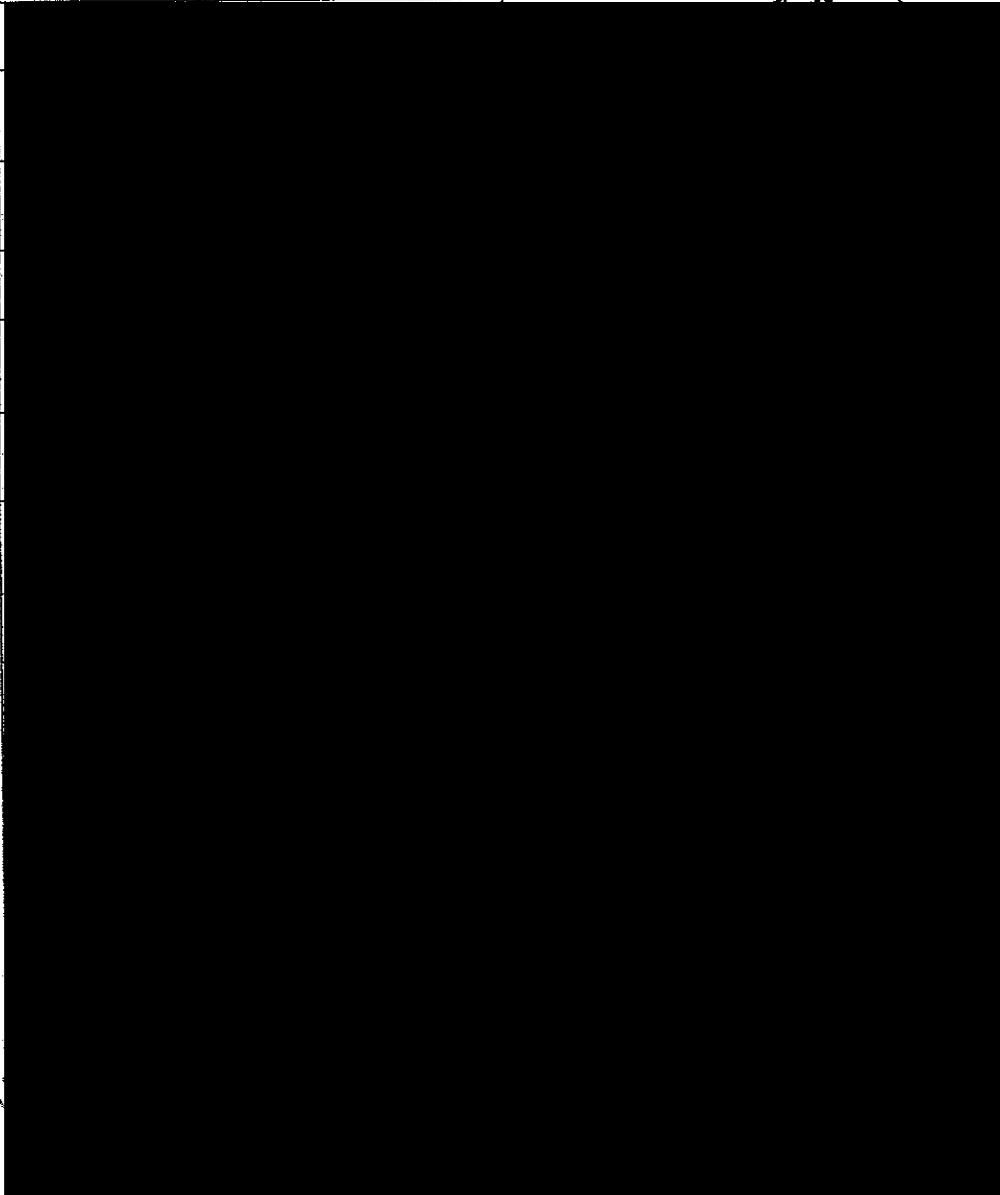
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IN RESPONSE TO LETTER DATED MAY 27, 2015 FROM LAURI KEMPER, ASSISTANT EXECUTIVE OFFICER, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-LAHONTAN REGION (LEAD AGENCY IN OVERSIGHT, COMPELLING DISCHARGERS AND/OR WATER CONTAMINATORS TO INVESTIGATION AND PROSECUTION)

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SIGNATURES PAGES

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SIGNATURES PAGES

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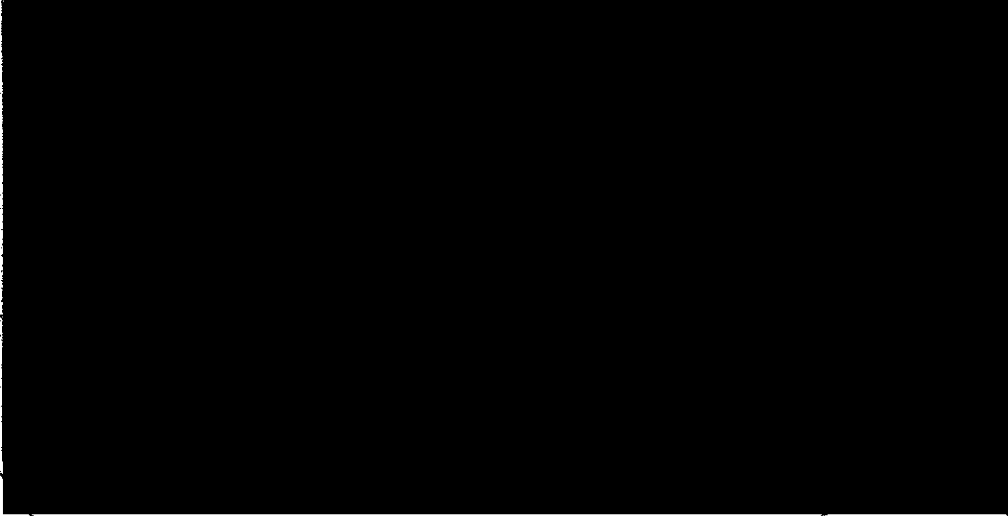

RESPONSE ON BEHALF OF THE PEOPLE OF THIS COUNTRY, CONFINED TO THOSE PER SIGNATURES PAGES, BY [REDACTED] HERENAFTER "THE PEOPLE".

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SIGNATURES PAGES

IN RESPONSE TO LETTER DATED MAY 27, 2015 FROM LAURI KEMPER, ASSISTANT EXECUTIVE OFFICER, CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD-LAHONTAN REGION (LEAD AGENCY IN OVERSIGHT, COMPELLING DISCHARGERS AND/OR WATER CONTAMINATORS TO INVESTIGATION AND PROSECUTION)

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SIGNATURES PAGES

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[REDACTED]

EXHIBIT "23"

FILED **SCANNED**
SUPERIOR COURT OF CALIFORNIA
COUNTY OF SAN BERNARDINO
SAN BERNARDINO DISTRICT

AUG 31 2015

BY Cassandra Delatorre
CASSANDRA DELATORRE, DEPUTY

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Attorneys for Defendant
PACIFIC GAS AND ELECTRIC COMPANY

**SUPERIOR COURT OF THE STATE OF CALIFORNIA
COUNTY OF SAN BERNARDINO**

BY FAX

CASE NO. CIVDS1308429

**ANSWER TO FIRST AMENDED
COMPLAINT**

Action Filed: July 19, 2013
Trial Date: not set

Plaintiffs,

v.

PACIFIC GAS & ELECTRIC COMPANY, a
California Corporation; and DOES 1 through
50, inclusive

Defendants.

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81967426v1

ANSWER TO FIRST AMENDED COMPLAINT

①

1 Defendant Pacific Gas and Electric Company ("PG&E"), hereby answers Plaintiffs
2 [REDACTED] ("Plaintiffs") First Amended Complaint ("complaint") as
3 follows:

4 Under the provisions of Section 431.30 of the Code of Civil Procedure, PG&E denies
5 each and every allegation contained in the complaint, and the whole thereof, and denies that
6 Plaintiffs have been damaged in the sum or sums alleged, or in any sums at all, or that PG&E or
7 any agent or employee thereof committed any wrongful act or omission that caused Plaintiffs any
8 injury or damage whatsoever.

9 **SEPARATE AND ADDITIONAL AFFIRMATIVE DEFENSES**

10 There are two named Plaintiffs in this litigation. The separate defenses provided below
11 may apply to either or both of the named Plaintiffs. By alleging the Separate and Additional
12 Affirmative Defenses set forth below, PG&E is not in any way agreeing or conceding that it has
13 the burden of proof or burden of persuasion on any of these issues.

14 **FIRST AFFIRMATIVE DEFENSE**

15 (Failure to State a Cause of Action)

16 PG&E alleges that said complaint and each cause of action therein fails to state facts
17 sufficient to constitute a cause of action against it.

18 **SECOND AFFIRMATIVE DEFENSE**

19 (Uncertainty)

20 PG&E alleges that the causes of action attempted to be stated and set forth in the
21 complaint are uncertain.

22 **THIRD AFFIRMATIVE DEFENSE**

23 (Statute of Limitations)

24 PG&E alleges that the causes of action attempted to be stated and set forth in said
25 complaint are barred by the applicable statutes of limitations, including, but not limited to, the
26 provisions of sections 338(a), 338(b), 338(i)-(j), 338.1, 340.8, and 343 of the Code of Civil
27 Procedure, and section 17208 of the Business and Professions Code.
28

1 **FOURTH AFFIRMATIVE DEFENSE**

2 (Laches, Waiver and Estoppel)

3 PG&E alleges that the causes of action attempted to be stated and set forth in said
4 complaint are barred in whole or in part by the doctrine of laches and the equitable doctrines of
5 waiver and estoppel.

6 **FIFTH AFFIRMATIVE DEFENSE**

7 (Res Judicata/Collateral Estoppel)

8 PG&E alleges that plaintiffs' claims are barred by res judicata and/or collateral estoppel.

9 **SIXTH AFFIRMATIVE DEFENSE**

10 (Lacks Jurisdiction)

11 PG&E alleges that the causes of action attempted to be stated and set forth in said
12 complaint are barred for lack of jurisdiction by law, including but not limited to section 1759 of
13 the California Public Utilities Code and the Federal Power Act, 16 U.S.C. § 791a *et seq.*

14 **SEVENTH AFFIRMATIVE DEFENSE**

15 (Failure to Join Indispensable or Necessary Parties)

16 PG&E alleges that plaintiffs failed to join all necessary and/or indispensable parties
17 needed for a just adjudication of the subject matter of its complaint.

18 **EIGHTH AFFIRMATIVE DEFENSE**

19 (Lacks Standing)

20 PG&E alleges that the causes of action attempted to be stated and set forth in said
21 complaint are barred because plaintiffs lack standing to assert their claims against PG&E.

22 **NINTH AFFIRMATIVE DEFENSE**

23 (Preemption)

24 PG&E alleges that the causes of action attempted to be stated and set forth in said
25 complaint are barred because they are preempted by federal law.

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1 substantial factor of any injury or necessitated the incurrence of any response costs or damages
2 with respect thereto.

3 **FIFTEENTH AFFIRMATIVE DEFENSE**

4 (Superseding Cause)

5 PG&E alleges that unforeseen and unforeseeable acts and omissions by others constitute
6 a superseding, intervening cause of the injuries, losses, and damages alleged by plaintiffs, if any.

7 **SIXTEENTH AFFIRMATIVE DEFENSE**

8 (Mitigation)

9 PG&E alleges that plaintiffs failed to exercise due diligence to mitigate their losses,
10 injuries or damages, if any, and, accordingly, the amount of damages to which plaintiffs are
11 entitled, if any, should be reduced by the amount of damages which otherwise would have been
12 mitigated.

13 **SEVENTEENTH AFFIRMATIVE DEFENSE**

14 (Several Liability)

15 PG&E alleges that the provisions of section 1431.2 of the California Civil Code are
16 applicable to the complaint, and each cause of action therein.

17 **EIGHTEENTH AFFIRMATIVE DEFENSE**

18 (Adequate Remedy at Law)

19 PG&E alleges that, with respect to declaration or equitable relief requested by plaintiffs,
20 plaintiffs have adequate remedies at law and are therefore not entitled to any such relief
21 whatsoever.

22 **NINETEENTH AFFIRMATIVE DEFENSE**

23 (Apportionment of Damages)

24 PG&E alleges that, should plaintiffs recover damages against PG&E, PG&E is entitled to
25 have the amount abated, apportioned, or reduced to the extent that any other party or entity or
26 individual's negligence and/or fault caused or contributed to plaintiffs' alleged damages, if any
27 there were.
28

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1 **TWENTIETH AFFIRMATIVE DEFENSE**

2 (Contribution)

3 PG&E alleges that in the event PG&E is held liable to plaintiffs, which liability is
4 expressly denied, and any co-defendant or other person or entity, whether or not yet specifically
5 named in the complaint, is likewise held liable, PG&E is entitled to a percentage contribution of
6 the total liability from said co-defendants or other person or entity in accordance with principles
7 of equitable indemnity and comparative contribution.

8 **TWENTY-FIRST AFFIRMATIVE DEFENSE**

9 (Punitive Damages)

10 PG&E alleges that plaintiffs' complaint, and each cause of action alleged therein, fails to
11 state facts sufficient to support an award of punitive or exemplary damages.

12 **TWENTY-SECOND AFFIRMATIVE DEFENSE**

13 (Penalties duplicate Punitive Damages)

14 PG&E alleges that, to the extent that plaintiffs and/or putative class members recover
15 penalties in this action, they cannot also recover punitive damages.

16 **TWENTY-THIRD AFFIRMATIVE DEFENSE**

17 (Discontinued Practices)

18 PG&E alleges that the request for restitution, declaratory relief, and/or injunctive relief is
19 barred with respect to any alleged violations of Business and Professions Code section 17200, et
20 seq. that have been discontinued and are not likely to recur.

21 **TWENTY-FOURTH AFFIRMATIVE DEFENSE**

22 (Abstention)

23 PG&E alleges that the Court should abstain from asserting jurisdiction over any causes of
24 action for equitable relief under Business and Professions Code section 17200, et seq. because a
25 comprehensive state regulatory scheme addresses the conduct for which the complaint seeks
26 such equitable relief.

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1 **TWENTY-FIFTH AFFIRMATIVE DEFENSE**

2 (Judicial Restraint and Deferral To Regulatory Process/Exhaustion)

3 PG&E alleges that the complaint, and the claims for relief asserted therein, are subject to
4 a specific regulatory scheme or schemes that require resolution of issues within the special
5 expertise of administrative agencies and there is a paramount need for specialized and consistent
6 agency fact finding and oversight; therefore, this action should be dismissed or stayed, in whole
7 or in part, pending determinations by the administrative agencies that are relevant to this case.
8 PG&E alleges that plaintiffs have not exhausted the administrative remedies available to their
9 claims, and therefore plaintiffs are not entitled to relief in this Court.

10 **TWENTY-SIXTH AFFIRMATIVE DEFENSE**

11 (Lack of Actual Controversy)

12 PG&E alleges that plaintiffs are not entitled to a declaration regarding the respective
13 liabilities of the parties in future actions, because no actual controversy can exist regarding such
14 speculative future actions.

15 **TWENTY-SEVENTH AFFIRMATIVE DEFENSE**

16 (Reservation)

17 PG&E alleges that, because the complaint is couched in conclusory terms, PG&E cannot
18 anticipate all affirmative defenses that may be applicable to the within action. Accordingly,
19 PG&E reserves the right to assert additional affirmative defenses in and to the extent such
20 affirmative defenses apply.

21
22 WHEREFORE, PG&E prays as follows:

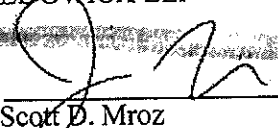
- 23 1. That judgment be rendered in favor of PG&E and against plaintiffs;
24 2. That plaintiffs take nothing by reason of said complaint;
25 3. That PG&E be awarded costs of suit herein and such other and further relief as
26 the court deems just; and
27 4. That if PG&E is found liable, the degree of the responsibility and liability for the
28 resulting damages be determined and that PG&E be held liable only for that portion of the total

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damages in proportion to its liability for the same.

DATED: August 31, 2015

SEDGWICK LLP

By: 
Scott D. Mroz
James L. Mink
Attorney for Defendant
PACIFIC GAS AND ELECTRIC COMPANY

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PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF SAN FRANCISCO

At the time of service, I was over 18 years of age and not a party to this action. I am employed in the County of San Francisco, State of California. My business address is [REDACTED]

On the date listed below, I served true copies of the following document(s) described as **ANSWER TO FIRST AMENDED COMPLAINT** on the interested parties in this action as follows:

✓ **BY MAIL:** I enclosed the document(s) in a sealed envelope or package addressed to the persons at the addresses listed in the Service List and placed the envelope for collection and mailing, following our ordinary business practices. I am readily familiar with Sedgwick LLP's practice for collecting and processing correspondence for mailing. On the same day that correspondence is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am a resident or employed in the county where the mailing occurred. The envelope was placed in the mail at San Francisco, California.

CALLAHAN & BLAINE
A Professional Law Corporation
Daniel J. Callahan (SBN 91490)
Javier H. van Oordt (SBN 184879)
Christopher B. Queally (SBN 229154)
3 Hutton Centre Drive, Ninth Floor
Santa Ana, California 92707
Tel: (714) 241-4444
Fax: (714) 241-4445

Attorneys for Plaintiffs
[REDACTED]

BY FAX TRANSMISSION: I faxed a copy of the document(s) to the persons at the fax numbers listed in the Service List. The document(s) were transmitted at or before 5:00 p.m. The telephone number of the sending facsimile machine was 415.781.2635. No error was reported by the fax machine that I used. A record of the fax transmission was properly issued by the sending fax machine.

BY EXPRESS MAIL: I enclosed said document(s) in an envelope or package provided by the United States Postal Service and addressed to the persons at the addresses listed in the Service List. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the United States Postal Service.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on August 31, 2015, at San Francisco, California.

/s/ [REDACTED]

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EXHIBIT “24”



U.S. Department of Justice

Office of the Inspector General

Investigations Division

1425 New York Avenue NW, Suite 7100
Washington, D.C. 20530

July 21, 2014

Environmental Investigatory Organization
25633 Anderson Ave
Barstow, CA 92311

Dear Environmental Investigatory Organization:

The purpose of this letter is to acknowledge receipt of your correspondence. The matters that you raised have been reviewed by the staff of the Investigations Division, Office of the Inspector General. We apologize for the delay in this response.

The primary investigative responsibilities of this office are:

- Allegations of misconduct committed by U.S. Department of Justice employees and contractors; and
- Waste and abuse by high ranking Department officials, or that affects major programs and operations.

This Office does not have jurisdiction in the matter you described. Therefore, your complaint has been forwarded to the following office:

U.S. Environmental Protection Agency
Office of the Inspector General
1200 Pennsylvania Ave., NW, Mail Code: 2410T
Washington, D.C. 20460-0001

Any future correspondence regarding this matter should be directed to that office.

Sincerely,

Office of the Inspector General
Investigations Division



U.S. Department of Justice

Environment and Natural Resources Division

*Environmental Crimes Section
P.O. Box 7611
Washington, DC 20044*

*Telephone (202) 305-0897
Facsimile (202) 514-8865*

July 28, 2015

"Deponents and Victims, Town of Hinkley"



Re: At Issue Memorandum Regarding Town of Hinkley, CA

To Whom It May Concern:

I write to acknowledge receipt of the Memorandum and supporting documentation submitted to the Environmental Crimes Section of the U.S. Department of Justice. The materials have been reviewed, and will be forwarded to the appropriate agency to perform follow-up investigation as needed. If you have any questions, please feel free to contact me at the address or telephone number listed below.

Sincerely,

Lauren Steele
Trial Attorney
Environmental Crimes Section
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044
(202) 305-0897

EXHIBIT “25”



Arcadis U.S., Inc.
100 Montgomery Street
Suite 300
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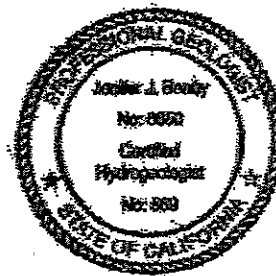
MEMO

To:
Lauri Kemper, P.E.
Assistant Executive Officer
California Regional Water Quality Control Board,
Lahontan Region (Water Board)

Copies:
Anne Holden, Water Board
Iain Baker, Pacific Gas and
Electric Company

From:
Jennifer Beatty, P.G.
Margaret Gentile, Ph.D., P.E.

Jennifer Beatty
Margaret Gentile



Date:
October 1, 2015

ARCADIS Project No.:
RC000699

Subject:

Response to Request for Additional Information on Desert View Dairy Data, Pacific Gas and Electric (PG&E), Hinkley Compressor Station, San Bernardino County

On August 27, 2015, the California Regional Water Quality Control Board, Lahontan Region (Water Board) issued Comments and Request for Additional Information, Agricultural Treatment Byproducts Investigation Report for Environmental Impact Report (EIR) Mitigation Measure WTR-MM-5 (August 27 letter) accepting the proposal to continue sampling Agricultural Treatment Unit (ATU) monitoring wells for uranium, gross alpha, and gross beta, and requesting (1) an additional analysis of the monitoring well data used to develop the baseline nitrate and total dissolved solids (TDS) values for the Desert View Dairy (DVD) Land Treatment Unit (LTU) in 2005, compared to the current data presented in the report, and (2) a separate report specifying the reference levels for agricultural byproduct constituents in each ATU.

This memorandum is being submitted to respond to item (1), the request for additional information on the DVD data. Specifically, the August 27 Letter requested an evaluation of why average byproduct data for the DVD ATU in the Agricultural Treatment Byproducts Investigation for EIR Mitigation Measure WTR-MM-5 (WTR-MM-5 Investigation Report; CH2M HILL 2015) are higher than the February 2005 baseline concentrations calculated in accordance with the former Waste Discharge

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
Response to Comments and Request for Additional Information, Agricultural Treatment Unit (ATU)
Reference Level Evaluation, Agricultural Treatment Byproducts Investigation Report for EIR Mitigation
Measure WTR-MM-5
Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

		Flow Rate gpm	Flow Rate m³/d	Flow Rate m³/d	Flow Rate m³/d	Flow Rate m³/d	Flow Rate m³/d
Average ^a		29.9	3,055	69.6	79.9	10.6	
Shallow Average TDS ^a		—	3,722	—	—	—	
Deep Average TDS ^a		—	2,054	—	—	—	
DW-02-Shallow							
4/10/2012	N	36.2	2680	—	—	—	
7/23/2012	N	35.4	2870	—	—	—	
10/17/2012	N	53.3	2840	—	—	—	
2/1/2013	N	31.2	2720	—	—	—	
4/16/2013	N	30.4	2680	—	—	—	
7/31/2013	N	27.6	2770	—	—	—	
10/15/2013	N	98.9	3,420	—	—	—	
1/24/2014	N	113	3,530	—	—	—	
1/24/2014	FD	111	3,520	—	—	—	
4/15/2014	N	37	3,000	77	90.7	13.1	
7/22/2014	N	32	2,900	77	79.5	13.6	
10/10/2014	N	60	3,200	70	65.2	16.4	
1/13/2015	N	48	3,100	66	63.9	15	
4/7/2015	N	49	3,200	—	—	—	
7/22/2015	N	39	3,100	63	69.5	9.83	
7/22/2015	FD	39	3,100	67	74.1	10.7	
Average ^a		44.3	3,050	73	74.8	14.5	
Maximum Q4 '13- Q3 '15 ^b		113	3,530	77	90.7	16.4	
Maximum Q2 '12 to Q1 '14 ^c		113	3,525	—	—	—	
MW-127S1-Shallow							
4/16/2014	N	29	4,100	81	82.6	17.5	
4/16/2014	FD	30	4,000	81	81.4	19.3	
7/22/2014	N	29	4,500	81	71.7	11.3	
7/22/2014	FD	29	4,500	75	87.2	15.7	
10/8/2014	N	29	4,500	73	66	<7.4	
1/15/2015	N	29	3,600	80	92.2	13.4	
1/15/2015	FD	29	3,600	83	86	13.2	
4/6/2015	N	32	4,200	—	—	—	
7/9/2015	N	29	4,700	74	83.4	16.9	
Average ^a		29.3	4,175	80	82.0	13.0	
Maximum Q4 '13- Q3 '15		32	4,700	81	92.2	17.5	

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
Response to Comments and Request for Additional Information, Agricultural Treatment Unit (ATU)
Reference Level Evaluation, Agricultural Treatment Byproducts Investigation Report for EIR Mitigation
Measure WTR-MM-5

Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

		Sampling Date	Sample Type	Concentration (mg/L)	Concentration (µg/L)	Concentration (ppb)	Concentration (ppm)
MW-127S2-Shallow							
		4/16/2014	N	19	3,000	50	51.4
		7/22/2014	N	19	3,500	45	53
		10/8/2014	N	21	3,400	47	53.4
		1/15/2015	N	18	2,800	48	49.9
		4/6/2015	N	18	3,100	—	—
		7/9/2015	N	18	3,400	42	54.1
	Average^a			19.3	3,175	48	51.9
	Maximum Q4 '13- Q3 '15			21	3,500	50	54.1
MW-170S-Shallow							
		4/15/2014	N	70	4,100	86	123
		7/21/2014	N	68	3,600	86	89.8
		10/9/2014	N	76	4,000	87	93.8
		1/13/2015	N	77	3,800	82	87.6
		4/7/2015	N	62	3,500	—	—
		7/21/2015	N	58	3,500	92	111
	Average^a			72.8	3,875	85	98.6
	Maximum Q4 '13- Q3 '15			77	4,100	92	123
MW-28A-Shallow, Upgradient^e							
		6/11/2008	N	9.29	1,230	—	—
		5/13/2009	N	11.3	1,190	—	—
		8/10/2009	N	11	1,500	—	—
		2/10/2010	N	—	1,180	—	—
		8/3/2010	N	—	1,420	—	—
		1/25/2011	N	—	1,040	—	—
		5/3/2011	N	10.6	1,110	—	—
		8/3/2011	N	—	1,160	—	—
		1/30/2012	N	—	1,190	—	—
		7/24/2012	N	—	928	—	—
		1/16/2013	N	—	854	—	—
		1/15/2014	N	—	1,110	—	—
		4/11/2014	N	—	1,100	27	34.4
	Average^{a,f}			10.5	1,100	27	34.4
	Maximum Q4 '13- Q3 '15			0	1,110	27	34.4
MW-28B-Deep, Upgradient^e							
		1/15/2014	N	—	922	—	—
		4/11/2014	N	—	910	24	34.4
		7/25/2014	N	9.4	820	18	17
		10/14/2014	N	—	780	14	25.6
		1/15/2015	N	3.3	720	15	19.9
		7/22/2015	N	3	760	14	20.6
	Average^a			6.4	808	18	24.2
	Maximum Q4 '13- Q3 '15			9.4	1,020	24	34.4

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
Response to Comments and Request for Additional Information, Agricultural Treatment Unit (ATU)
Reference Level Evaluation, Agricultural Treatment Byproducts Investigation Report for EIR Mitigation
Measure WTR-MM-5
Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

		Sampling Device	Minerals in Solution mg/L	TDS mg/L	Maximum Dissolved Calcium mg/L	Gross Alpha Bq/L	Gross Beta Bq/L
MW-29-Shallow							
	10/15/2013	N	15.9	3,940	—	—	—
	1/21/2014	N	18.1	3,590	—	—	—
	1/21/2014	FD	18.5	3,550	—	—	—
	4/15/2014	N	—	4,100	150	202	12.5
	4/15/2014	FD	—	4,100	150	207	12.5
	7/21/2014	N	10	3,700	140	209	<5.94
	10/14/2014	N	—	3,700	110	113	18.5
	1/19/2015	N	15	3,300	42	28.7	12.7
	7/22/2015	N	16	3,000	74	74.8	10.8
	Average ^a		12.5	3,700	111	139.4	11.7
	Maximum Q4 '13- Q3 '15		18.5	4,100	150	209	18.5
MW-31-Deep							
	10/15/2013	N	19.2	3,220	—	—	—
	1/21/2014	N	18.3	3,060	—	—	—
	4/14/2014	N	13	3,100	75	104	12.3
	7/17/2014	N	14	2,900	69	36.7	<6.29
	10/10/2014	N	12	3,100	77	109	8.6
	1/20/2015	N	11	2,800	76	116	5.67
	4/7/2015	N	12	2,700	—	—	—
	7/21/2015	N	10	3,000	80	72.8	11.4
	Average ^a		12.5	2,975	74	91.4	7.4
	Maximum Q4 '13- Q3 '15		19.2	3,220	80	116	12.3
MW-42B1-Deep							
	10/14/2013	N	14.1	1,320	—	—	—
	1/24/2014	N	16.4	1,300	—	—	—
	4/14/2014	N	—	1,500	48	55.4	10.8
	7/25/2014	N	14	1,300	44	31.8	7.83
	10/10/2014	N	—	1,300	44	59.9	8.22
	1/19/2015	N	13	1,200	45	66.6	4.11
	7/22/2015	N	11	1,200	38	49.1	7.04
	Average ^a		13.5	1,325	45	53.4	7.7
	Maximum Q4 '13- Q3 '15		16.4	1,500	48	66.6	10.8
MW-42B2-Deep							
	10/14/2013	N	12.9	1,230	—	—	—
	1/24/2014	N	14.3	1,160	—	—	—
	1/24/2014	FD	14.1	1,140	—	—	—
	4/14/2014	N	—	1,200	44	50	8.94
	4/14/2014	FD	—	1,200	41	65.1	10
	7/25/2014	N	12	1,200	46	45.4	9.41
	10/10/2014	N	—	1,200	43	47	7.89
	1/19/2015	N	11	1,100	47	62.2	4.94
	7/22/2015	N	11	1,200	45	53	9.83
	Average ^a		11.5	1,175	45	54.9	8.1
	Maximum Q4 '13- Q3 '15		14.3	1,230	47	62.2	9.83

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Measure WTR-MM-5
Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

		Sample ID	Depth (ft)	Concentration (mg/L)	Concentration (mg/L)	Concentration (mg/L)	Concentration (mg/L)
		Date	Depth (ft)	Concentration (mg/L)	Concentration (mg/L)	Concentration (mg/L)	Concentration (mg/L)
MW-63-Shallow							
		10/14/2013	N	41.4	3,100	—	—
		10/14/2013	FD	40.4	3,160	—	—
		1/22/2014	N	38.8	3,030	—	—
		4/15/2014	N	27	2,900	84	117
		4/15/2014	FD	26	2,900	83	124
		7/21/2014	N	24	2,800	88	105
		7/21/2014	FD	24	2,800	89	75.6
		10/10/2014	N	23	2,700	91	101
		1/13/2015	N	24	2,800	89	99
		4/7/2015	N	23	2,900	—	—
		7/22/2015	N	24	2,800	91	125
		Average^a		24.5	2,800	88	107.3
		Maximum Q4 '13- Q3 '15		41.4	3,160	91	125
MW-71D-Deep							
		10/16/2013	N	7.5	1,210	—	—
		1/20/2014	N	7.12	1,080	—	—
		4/14/2014	N	8	1,500	35	43.9
		7/18/2014	N	18	2,700	49	67.2
		10/14/2014	N	16	2,300	49	64.6
		1/20/2015	N	12	1,800	45	60.3
		4/7/2015	N	10	1,600	—	—
		7/21/2015	N	1.9	610	9.9	14.2
		Average^a		13.5	2,075	45	59.0
		Maximum Q4 '13- Q3 '15		18	2,700	49	67.2
MW-71S-Shallow							
		10/16/2013	N	75.8	5,300	—	—
		1/20/2014	N	69.5	5,410	—	—
		4/14/2014	N	67	6,000	92	90.1
		7/18/2014	N	53	5,700	97	79.7
		10/14/2014	N	49	5,400	78	78.8
		1/20/2015	N	29	4,600	110	95
		4/7/2015	N	37	4,600	—	—
		7/21/2015	N	26	4,900	100	130
		Average^a		49.5	5,425	94	85.9
		Maximum Q4 '13- Q3 '15		75.8	6,000	110	130

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Reference Level Evaluation, Agricultural Treatment Byproducts Investigation Report for EIR Mitigation
Measure WTR-MM-5

Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

MW-83D-Deep							
	4/10/2012	N	69.6	3380	—	—	—
	7/24/2012	N	68.3	3920	—	—	—
	7/24/2012	FD	69.9	3780	—	—	—
	10/18/2012	N	72	3740	—	—	—
	1/24/2013	N	64	3630	—	—	—
	4/11/2013	N	63.3	3760	—	—	—
	7/31/2013	N	69.2	3710	—	—	—
	10/17/2013	N	67.4	3,180	—	—	—
	1/22/2014	N	67.8	3,780	—	—	—
	4/15/2014	N	55	3,500	95	111	19.4
	7/21/2014	N	53	3,500	93	107	<5.54
	10/14/2014	N	50	3,300	87	76.5	21.7
	1/19/2015	N	44	3,100	92	104	13.3
	4/7/2015	N	47	3,500	—	—	—
	7/21/2015	N	44	3,400	94	103	13.1
	Average ^a		50.5	3,350	92	99.6	14.3
	Maximum Q4 '13- Q3 '15		67.8	3,780	95	111	21.7
	Maximum Q2 '12 to Q1 '14 ^c		72	3,920	—	—	—
MW-83S-Shallow							
	4/10/2012	N	66.5	3320	—	—	—
	7/24/2012	N	66	3760	—	—	—
	10/18/2012	N	54.7	3570	—	—	—
	1/24/2013	N	61.6	3560	—	—	—
	4/11/2013	N	55.6	3430	—	—	—
	7/31/2013	N	62.8	3570	—	—	—
	10/1/2013	N	53	3,600	—	—	—
	1/22/2014	N	61.1	3,460	—	—	—
	4/15/2014	N	46	3,600	86	119	9.98
	7/21/2014	N	40	3,400	74	75.6	21.1
	10/14/2014	N	34	3,300	63	80.7	13.4
	1/19/2015	N	38	3,000	80	97.6	8.32
	4/7/2015	N	40	3,200	—	—	—
	7/21/2015	N	35	3,200	86	108	16.1
	Average ^a		39.5	3,325	76	93.2	13.2
	Maximum Q4 '13- Q3 '15		61.1	3,600	86	119	21.1
	Maximum Q2 '12 to Q1 '14 ^c		66.5	3,760	—	—	—

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
Response to Comments and Request for Additional Information, Agricultural Treatment Unit (ATU)
Reference Level Evaluation, Agricultural Treatment Byproducts Investigation Report for EIR Mitigation
Measure WTR-MM-5

Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

MW-89D-Deep							
8/1/2013	N	13.2	1,710	—	—	—	
10/17/2013	N	12.2	1,680	—	—	—	
1/24/2014	N	11.6	1,620	—	—	—	
4/15/2014	N	8	1,500	18	16.4	5.89	
7/24/2014	N	6.2	1,400	13	16.6	<4	
10/9/2014	N	5.9	1,400	11	11.7	<4	
1/14/2015	N	5.8	1,400	12	18.9	<4	
4/8/2015	N	6.7	1,600	—	—	—	
7/9/2015	N	5.7	1,600	13	20.1	<4	
Average^a		6.5	1,425	14	18.2	3.0	
Maximum Q4 '13- Q3 '15		13.2	1,710	18	20.1	5.89	
MW-89S-Shallow							
4/10/2012	N	43.3	3440	—	—	—	
7/10/2012	N	38.8	3750	—	—	—	
10/12/2012	N	38	3800	—	—	—	
1/31/2013	N	41.9	4090	—	—	—	
4/11/2013	N	51.8	3970	—	—	—	
8/1/2013	N	53.7	4,180	—	—	—	
10/17/2013	N	52.5	4,040	—	—	—	
1/24/2014	N	68.7	4,060	—	—	—	
4/15/2014	N	48	4,200	58	124	9.57	
7/24/2014	N	48	4,100	82	74.8	<12.9	
10/9/2014	N	50	4,000	84	77.5	<9.13	
1/14/2015	N	49	3,600	83	80.8	<8.51	
4/8/2015	N	54	3,900	—	—	—	
7/9/2015	N	53	4,100	79	77.7	9.61	
Average^a		48.8	3,975	77	89.3	6.2	
Maximum Q4 '13- Q3 '15		68.7	4,200	84	124	9.61	
Maximum Q2 '12 to Q1 '14^c		68.7	4,180	—	—	—	
Average^a							
Shallow Average TDS^a		19.8	2,368	47.0	54.0	12.3	
Deep Average TDS^a			1,111				
MW-55A-Deep							
10/14/2013	N	0.76	540	6.4	8.1	6.7	
1/22/2014	N	0.25	533	—	—	—	
4/16/2014	N	0.66	530	8	8.67	<4	
7/23/2014	N	0.43	520	7.2	9.25	4.17	
10/9/2014	N	0.47	540	7.4	9.04	<4	
1/19/2015	N	0.7	500	8.1	10.4	4.05	
1/19/2015	FD	0.7	500	7.8	15	4.38	
4/7/2015	N	0.74	550	—	—	—	
7/10/2015	N	0.58	520	7.1	5	4.11	
Average^a		0.6	523	8	10.5	3.1	
Maximum Q4 '13- Q3 '15		0.76	550	8.1	10.4	6.7	

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Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
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Measure WTR-MM-5

Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

			CO ₂	CH ₄	HC ₂	HC ₃	HC ₄	HC ₅
MW-55S-Shallow								
	10/14/2013	N	25.8	4,000	59	58	23	
	1/15/2014	N	26.2	4,160	—	—	—	
	1/15/2014	FD	25.8	4,180	—	—	—	
	4/16/2014	N	24	3,900	69	65.3	13.3	
	7/23/2014	N	24	4,000	65	70.3	13.3	
	10/9/2014	N	26	3,900	66	69	<9.28	
	1/19/2015	N	27	3,500	63	<120	<129	
	4/7/2015	N	26	3,900	—	—	—	
	7/10/2015	N	26	4,100	55	61	11.4	
	7/10/2015	FD	25	4,100	54	79.2	12	
	Average^a		25.3	3,825	66	66.2	23.9	
	Maximum Q4 '13- Q3 '15		27	4,180	69	70.3	64.5	
MW-68D-Deep								
	10/16/2013	N	14.7	1,940	—	—	—	
	1/20/2014	N	13.8	1,660	—	—	—	
	4/11/2014	N	16	1,700	60	60.4	19.7	
	7/18/2014	N	18	1,800	50	70.8	9.55	
	10/10/2014	N	17	1,800	55	62.6	9.25	
	10/10/2014	FD	17	1,700	54	56.4	6.29	
	1/20/2015	N	13	1,500	52	82.2	10.5	
	4/7/2015	N	13	1,500	—	—	—	
	7/13/2015	N	29	3,200	52	62.4	6.45	
	Average^a		16.0	1,700	54	69.0	12.3	
	Maximum Q4 '13- Q3 '15		29	3,200	60	82.2	19.7	
MW-68S-Shallow								
	10/16/2013	N	49.2	3,650	—	—	—	
	1/20/2014	N	48.8	3,720	—	—	—	
	4/11/2014	N	38	3,200	64	55.7	6.96	
	7/18/2014	N	40	3,800	55	73	9.07	
	10/10/2014	N	38	3,600	63	83.6	10.4	
	1/20/2015	N	33	3,100	59	69.6	13.6	
	4/7/2015	N	35	3,400	—	—	—	
	7/13/2015	N	33	3,500	66	59.2	8.32	
	Average^a		37.3	3,425	60	70.5	10.0	
	Maximum Q4 '13- Q3 '15		49.2	3,800	66	83.6	13.6	

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Measure WTR-MM-5

Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

Average^a			11.4	2,482	26.8	28.2	6.6
Shallow Average TDS^a			—	3,670	—	—	—
Deep Average TDS^a			—	997	—	—	—
MW-105D-Deep							
4/16/2014	N	0.025	320	4.2	5.83	<4	
7/22/2014	N	0.025	330	4.3	4.73	<4	
10/9/2014	N	0.025	340	3.6	3.91	<4	
10/9/2014	FD	< 0.05	330	3.4	3.75	< 4	
1/19/2015	N	0.025	270	3.8	<3	<4	
4/6/2015	N	0.025	280	—	—	—	
7/8/2015	N	0.025	290	2.7	3.24	<4	
Average^a			0.0	315	4	4.0	<4
Maximum Q4 '13- Q3 '15			0.025	340	4.3	5.83	<4
MW-105S-Shallow							
4/16/2014	N	5.2	710	21	26.4	5.92	
7/22/2014	N	4.8	740	21	23.3	4.42	
10/9/2014	N	4.8	760	20	30.2	<4	
1/19/2015	N	4.4	690	20	33	<4	
4/6/2015	N	4.5	760	—	—	—	
7/8/2015	N	3.9	820	18	22.3	<4	
7/8/2015	FD	3.9	810	19	25.7	< 4	
Average^a			4.8	725	21	28.2	3.6
Maximum Q4 '13- Q3 '15			5.2	820	21	33	5.92
MW-206S-Shallow							
6/4/2014	N	3.2	5,800	20	<17.2	9.91	
7/10/2014	N	4.6	6,600	24	<33.1	<26.9	
10/8/2014	N	6.9	7,900	49	<44.8	29.8	
1/20/2015	N	5.7	7,500	59	56	<13.1	
4/7/2015	N	7.4	8,900	—	—	—	
4/7/2015	FD	7.6	8,900	—	—	—	
7/21/2015	N	12	12,000	100	60.4	37.4	
Average^a			5.1	6,950	38	25.9	14.9
Maximum Q4 '13- Q3 '15			12	12,000	100	60.4	37.4
MW-70D-Deep							
10/16/2013	N	20.6	2,130	—	—	—	
1/20/2014	N	28.6	2,920	—	—	—	
4/11/2014	N	20	2,300	54	76.5	7.8	
7/24/2014	N	24	2,800	66	61.8	20.4	
10/14/2014	N	7.7	1,300	15	31.4	13	
1/20/2015	N	37	3,000	85	115	21.1	
4/7/2015	N	41	3,900	—	—	—	
7/21/2015	N	27	3,200	74	70.5	14.4	
Average^a			22.2	2,350	55	71.2	15.6
Maximum Q4 '13- Q3 '15			41	3,900	85	115	21.1

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
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Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

MW-70S-Shallow							
10/16/2013	N	59.3	4,640	—	—	—	
1/20/2014	N	60.6	4,920	—	—	—	
4/11/2014	N	53	3,200	66	70.9	17.7	
7/24/2014	N	57	5,200	77	63.4	<19	
10/14/2014	N	50	5,000	65	63.7	<11	
1/20/2015	N	49	5,000	72	84.7	12	
4/7/2015	N	49	5,500	—	—	—	
4/7/2015	FD	49	5,700	—	—	—	
7/21/2015	N	42	6,700	68	49.2	<11.3	
Average^a		52.3	4,600	70	70.7	11.2	
Maximum Q4 '13- Q3 '15		60.6	6,700	77	84.7	17.7	
MW-84D-Deep							
10/7/2013	N	3.3	960	—	—	—	
1/22/2014	N	4.12	1,100	—	—	—	
4/16/2014	N	3.4	1,100	3.8	6.5	<4	
7/22/2014	N	3.3	1,100	4	<5.32	<4	
10/9/2014	N	3.8	1,100	4.6	<4.4	<4	
1/22/2015	N	3.1	1,000	4.2	<4.9	<4	
4/7/2015	N	3.1	980	—	—	—	
7/21/2015	N	2.8	1,000	3.4	4.28	3.725	
Average^a		3.4	1,075	4	3.5	2.0	
Maximum Q4 '13- Q3 '15		4.12	1,100	4.6	6.5	3.725	
MW-84S-Shallow							
4/24/2012	N	6.75	2530	—	—	—	
4/24/2012	FD	6.46	2580	—	—	—	
7/31/2012	N	7.85	2580	—	—	—	
10/8/2012	N	9.95	2760	—	—	—	
1/30/2013	N	11.9	2920 J	—	—	—	
1/30/2013	FD	11.9	2270 J	—	—	—	
4/10/2013	N	13.1	2580	—	—	—	
7/16/2013	N	9.75	2760	—	—	—	
10/14/2013	N	10.2	2,470	—	—	—	
10/14/2013	FD	10.7	2,560	—	—	—	
1/22/2014	N	10.4	3,490	—	—	—	
4/16/2014	N	8.4	3,100	29	32.9	6.42	
7/22/2014	N	7	3,500	27	28.6	5.91	
10/9/2014	N	6.5	3,800	22	18	<7.6	
1/22/2015	N	2	3,600	31	37.7	<5.7	
4/7/2015	N	8.3	3,700	—	—	—	
7/21/2015	N	8	4,600	31	29.2	10.4	
Average^a		6.0	3,500	27	29.3	4.8	
Maximum Q4 '13- Q3 '15		10.7	4,600	31	37.7	10.4	
Maximum Q2 '12 to Q1 '14^c		13.1	3,490				

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
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Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

MW-85D-Deep							
	9/12/2013	N	0.25	261	—	—	—
	10/17/2013	N	0.25	240	—	—	—
	10/17/2013	FD	< 0.5	237	—	—	—
	1/24/2014	N	0.25	247	—	—	—
	4/11/2014	N	0.14	240	2.1	3.48	<4
	7/24/2014	N	0.16	260	1.9	3.32	<4
	7/24/2014	FD	0.2	240	2	< 3	< 4
	10/9/2014	N	0.16	270	1.9	<3	<4
	1/20/2015	N	0.15	220	2	3.17	<4
	4/8/2015	N	0.14	280	—	—	—
	7/21/2015	N	0.13	260	1.9	<3	<4
	Average ^a		0.2	248	2	2.9	2.0
	Maximum Q4 '13- Q3 '15		0.25	280	2.1	3.48	2
MW-85S-Shallow							
	4/10/2012	N	9.7	1930	—	—	—
	7/23/2012	N	9.37	1870	—	—	—
	10/18/2012	N	8.46	1960	—	—	—
	1/24/2013	N	8.01	1760	—	—	—
	4/11/2013	N	8.95	1880	—	—	—
	7/31/2013	N	9.69	1930	—	—	—
	10/17/2013	N	9.88	1,900	—	—	—
	1/24/2014	N	11	1,960	—	—	—
	4/11/2014	N	9.4	2,200	19	21.1	2.745
	7/24/2014	N	8.8	2,700	19	17.2	5.98
	10/9/2014	N	9.2	2,800	22	17.2	<4
	1/20/2015	N	8.5	2,600	22	—	—
	4/8/2015	N	8.9	2,900	—	—	—
	7/21/2015	N	8.2	3,800	21	12.8	7.06
	Average ^a		9.0	2,575	21	18.5	3.6
	Maximum Q4 '13- Q3 '15		11	3,800	22	21.1	7.06
	Maximum Q2 '12 to Q1 '14 ^c		11	1,960			
MW-86D-Deep, Upgradient^e							
	10/17/2013	N	0.521	440	—	—	—
	1/22/2014	N	3.37	458	—	—	—
	4/16/2014	N	—	450	8.4	16.6	<4
	7/24/2014	N	0.57	450	8.3	7.72	<4
	10/9/2014	N	—	470	8.1	12.7	4.29
	1/22/2015	N	0.59	480	9	10.3	<4
	7/7/2015	N	0.61	480	6.9	11.8	<4
	Average ^a		0.6	463	8	11.8	2.6
	Maximum Q4 '13- Q3 '15		3.37	480	9	16.6	4.29

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
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MW-86S-Shallow, Upgradient^e							
10/17/2013	N	16	1,320	—	—	—	
1/22/2014	N	17.2	1,320	—	—	—	
4/16/2014	N	—	1,300	44	43.8	13.2	
7/24/2014	N	15	1,300	44	45.4	10.6	
10/9/2014	N	—	1,400	45	38.3	5.36	
10/9/2014	FD	—	1,400	45	54.9	5.19	
1/22/2015	N	14	1,300	48	67.2	6.84	
7/7/2015	N	14	1,300	41	53	11.2	
Average^a		14.5	1,325	45	52.8	9.0	
Maximum Q4 '13- Q3 '15		17.2	1,400	48	67.2	13.2	
Average^a							
		14.2	1,345	45	53.2	7.5	
Shallow Average TDS^a							
		—	1,300	—	—	—	
Deep Average TDS^a							
		—	1,363	—	—	—	
MW-14B-Deep							
10/17/2013	N	5.18	626	—	—	—	
1/15/2014	N	5.03	603	—	—	—	
4/11/2014	N	—	880	24	24.1	9.28	
7/18/2014	N	5.3	640	27	28.2	4.13	
10/17/2014	N	—	610	28	46	4.44	
1/7/2015	N	3.2	560	22	40.7	7.37	
7/16/2015	N	5	640	27	40.7	6.39	
Average^a		4.3	673	25	34.8	6.3	
Maximum Q4 '13- Q3 '15		5.3	880	28	46	9.28	
MW-14S-Shallow							
8/6/2013	N	12	1,300	—	—	—	
11/8/2013	N	12	1,300	—	—	—	
2/5/2014	N	12	1,300	—	—	—	
5/7/2014	N	12	1,300	42	55.3	6.54	
8/6/2014	N	12	1,200	40	46.7	4.03	
10/17/2014	N	13	1,200	40	57.9	9.27	
1/7/2015	N	11	1,600	41	59.3	7.09	
5/4/2015	N	11	—	—	—	—	
7/16/2015	N	11	1,200	36	53.9	9.05	
Average^a		12.0	1,325	41	54.8	6.7	
Maximum Q4 '13- Q3 '15		13	1,600	42	59.3	9.27	
MW-22A1-Shallow							
5/5/2011	N	31.2	2,480	—	—	—	
5/5/2011	FD	31.4	2,400	—	—	—	
Average^{a,f}		31.4	2,480	—	—	—	
Maximum Q4 '13- Q3 '15		—	—	—	—	—	

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
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			mg/L	mg/L	mg/L	mg/L	mg/L
MW-22B-Deep							
10/15/2013	N	11.8	1,140	—	—	—	—
1/14/2014	N	10.6	1,050	—	—	—	—
1/14/2014	FD	10.6	1,010	—	—	—	—
4/11/2014	N	—	1,000	38	48.7	9.53	—
7/25/2014	N	4.3	1,100	39	44.9	6.38	—
10/14/2014	N	—	1,000	36	42.9	11.6	—
1/15/2015	N	7.7	880	40	39.6	8.73	—
7/13/2015	N	7.2	1,100	41	41.4	9.18	—
Average ^a		6.0	995	38	44.0	9.1	—
Maximum Q4 '13- Q3 '15		11.8	1,140	41	48.7	11.6	—
MW-27A-Shallow, Upgradient^a							
4/8/2014	N	—	1,200	31	47.3	7.63	—
7/23/2014	N	17	1,200	32	36.6	7.1	—
10/13/2014	N	—	1,100	34	29.9	8.42	—
1/7/2015	N	16	1,100	33	38.5	6.3	—
7/14/2015	N	16	1,100	29	34.2	4.03	—
Average ^a		16.5	1,150	33	38.1	7.4	—
Maximum Q4 '13- Q3 '15		17	1,200	34	47.3	8.42	—
MW-27B-Deep, Upgradient^a							
1/14/2014	N	—	976	—	—	—	—
4/8/2014	N	—	930	38	58.3	8	—
7/23/2014	N	12	940	39	38.9	6.29	—
10/13/2014	N	—	900	38	53	9.55	—
1/7/2015	N	11	900	39	53.9	5.22	—
1/7/2015	FD	11	880	41	65	4.23	—
7/14/2015	N	11	840	39	42.7	4.61	—
Average ^a		11.5	918	39	53.8	7.3	—
Maximum Q4 '13- Q3 '15		12	984	39	58.3	9.55	—
MW-56-Deep							
4/16/2014	N	—	960	39	43.1	10.1	—
7/22/2014	N	16	1,100	40	47.6	6.29	—
10/10/2014	N	—	1,100	40	39.3	9.86	—
1/20/2015	N	16	990	40	63.3	4.64	—
7/10/2015	N	14	1,000	36	46.9	9.93	—
Average ^a		16.0	1,038	40	48.3	7.7	—
Maximum Q4 '13- Q3 '15		16	1,100	40	63.3	10.1	—

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
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Average^a			12.9	2,156	64.1	87.9	12.0
Shallow Average TDS^a			—	2,950	—	—	—
Deep Average TDS^a			—	1,363	—	—	—
MW-21A-Upper Aquifer							
4/14/2014	N	7.5	3,400	120	140	8.03	
4/14/2014	N	7.5	3,400	120	140	8.03	
4/14/2014	FD	7.5	3,400	120	140	32.9	
7/17/2014	N	8.5	3,400	100	173	6.71	
7/17/2014	FD	7.7	3,300	100	131	< 5.7	
10/14/2014	N	7.1	3,500	130	144	30.7	
1/20/2015	N	6.4	3,400	130	226	8.16	
4/7/2015	N	5.5	3,900	—	—	—	
7/13/2015	N	6.3	3,800	130	131	24	
Average^a			7.4	3,425	120	170.8	19.6
Maximum Q4 '13- Q3 '15			8.5	3,900	130	226	30.7
MW-21-B1-Deep							
10/15/2013	N	19.2	1,550	—	—	—	
1/21/2014	N	14.8	2,020	—	—	—	
4/14/2014	N	18	1,600	45	46.3	8.74	
7/17/2014	N	16	1,500	34	49.7	5.8	
10/14/2014	N	16	1,600	42	66	12.9	
1/20/2015	N	11	1,600	53	82.9	<4	
4/7/2015	N	14	1,200	—	—	—	
7/13/2015	N	13	1,300	49	56.9	6.62	
Average^a			15.3	1,575	44	61.2	7.4
Maximum Q4 '13- Q3 '15			19.2	2,020	53	82.9	12.9
MW-32B1-Deep							
8/1/2013	N	8.84	1,090	—	—	—	
10/15/2013	N	9.86	1,200	—	—	—	
1/21/2014	N	9.87	1,150	—	—	—	
4/16/2014	N	11	1,000	35	44.8	7.9	
7/23/2014	N	9.4	1,300	33	37.2	5.51	
10/14/2014	N	10	1,200	35	48.2	9.84	
1/20/2015	N	9.7	1,100	36	53.6	<4	
4/7/2015	N	9.9	1,300	—	—	—	
7/21/2015	N	10	1,200	33	42.7	5.09	
Average^a			10.0	1,150	35	46.0	6.3
Maximum Q4 '13- Q3 '15			11	1,300	36	53.6	9.84

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
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Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

MW-32S-Shallow							
10/15/2013	N	20	2,260	43	37	<22	
1/15/2014	N	21	2,360	—	—	—	
4/16/2014	N	18	2,600	59	76.8	17.8	
7/23/2014	N	19	2,400	60	61.2	6.87	
7/23/2014	FD	19	2,400	56	59.1	7.56	
10/14/2014	N	19	2,500	53	85.3	19.2	
1/20/2015	N	19	2,400	60	70.9	14.5	
4/7/2015	N	18	2,700	—	—	—	
7/21/2015	N	15	2,700	55	63.8	9.4	
Average^a		18.8	2,475	58	73.6	14.8	
Maximum Q4 '13- Q3 '15		21	2,700	60	85.3	19.2	
MW-49A-Deep, Upgradient^c							
1/14/2014	N	—	1,080	—	—	—	
4/16/2014	N	—	960	35	47.6	5.68	
7/22/2014	N	14	1,100	36	45	4.2	
10/13/2014	N	—	1,100	35	37.3	11.5	
10/13/2014	FD	—	1,100	36	32.2	11.1	
1/14/2015	N	14	1,000	33	50	6.33	
7/14/2015	N	13	1,100	34	45.3	9.23	
Average^a		14.0	1,040	35	45.0	6.9	
Maximum Q4 '13- Q3 '15		14	1,120	36	50	11.5	
MW-49B-Deep, Upgradient^c							
1/14/2014	N	—	1,100	—	—	—	
4/16/2014	N	—	1,100	39	45.3	9.62	
7/22/2014	N	16	1,100	38	48.5	4.66	
10/13/2014	N	—	1,100	37	38.2	11.2	
1/14/2015	N	16	1,100	36	40.1	7.61	
7/14/2015	N	16	1,100	37	40.3	8.18	
Average^a		16.0	1,100	38	43.0	8.3	
Maximum Q4 '13- Q3 '15		16	1,100	39	48.5	11.2	
MW-88D-Deep, Upgradient^c							
10/1/2013	N	5.4	850	—	—	—	
3/6/2014	N	4.8	810	—	—	—	
4/15/2014	N	—	880	17	24.6	8.8	
7/21/2014	N	5.7	890	20	23.7	5.31	
10/16/2014	N	—	870	18	31.1	6.88	
1/22/2015	N	2.6	620	10	9.94	<4	
7/8/2015	N	1.8	590	7.3	9.71	6.22	
Average^a		4.2	815	16	22.3	5.7	
Maximum Q4 '13- Q3 '15		5.7	890	20	31.1	8.8	

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
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Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

	Sample ID	Depth (ft)	Flow (gpm)	Flow (MGD)	Temperature (°F)	pH	Conductivity (µS/cm)
MW-88S-Shallow, Upgradient^a							
	9/12/2013	N	15.8	1,240	—	—	—
	10/17/2013	N	16	1,170	—	—	—
	1/24/2014	N	17.3	1,220	—	—	—
	4/15/2014	N	—	1,300	37	41.1	8.89
	7/21/2014	N	15	1,300	41	47.7	5.74
	10/16/2014	N	—	1,200	43	63.4	8.49
	1/22/2015	N	15	1,200	48	58.1	7.24
	7/8/2015	N	14	1,300	44	47.8	7.07
	Average ^a		15.0	1,250	42	52.6	7.6
	Maximum Q4 '13- Q3 '15		17.3	1,300	48	63.4	8.89
MW-210S-Shallow							
	Average ^d		6.7	613	17.9	24.5	4.3
	Shallow Average TDS ^d		—	613	—	—	—
	Deep Average TDS ^d		—	—	—	—	—
MW-211S-Shallow							
	12/18/2014	N	1.4	560	13	23.2	<4
	4/17/2015	N	2.3	540	14	24.6	<4
	7/14/2015	N	6.7	640	15	16.5	<4
	Average ^d		3.5	580	14	21.4	2.0
	Maximum Q4 '13- Q3 '15		6.7	640	15	24.6	2
PMW-02-Shallow, Upgradient^a							
	10/21/2014	N	2.6	470	18	27.3	4.96
	7/16/2015	N	3.1	460	16	24.3	6.5
	Average ^d		2.9	465	17	25.8	5.7
	Maximum Q4 '13- Q3 '15		3.1	470	18	27.3	6.5
SA-MW-15S-Shallow							
	1/9/2014	N	11	—	—	—	—
	4/9/2014	N	12	840	43	43	11.8
	7/10/2014	N	12	—	—	—	—
	7/10/2014	FD	12	—	—	—	—
	1/6/2015	N	11	—	—	—	—
	4/16/2015	N	12	800	36	54.3	6.41
	7/16/2015	N	11	840	38	47.1	11.7
	Average ^d		11.3	820	37	50.7	9.1
	Maximum Q4 '13- Q3 '15		12	840	43	54.3	11.8

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
Response to Comments and Request for Additional Information, Agricultural Treatment Unit (ATU)
Reference Level Evaluation, Agricultural Treatment Byproducts Investigation Report for EIR Mitigation
Measure WTR-MM-5
Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

SC-MW-14S-Shallow, Upgradient^e							
8/6/2013	N	9.4	—	—	—	—	—
11/6/2013	N	10	—	—	—	—	—
2/4/2014	N	11	—	—	—	—	—
5/5/2014	N	11	—	—	—	—	—
8/5/2014	N	11	—	—	—	—	—
11/3/2014	N	10	640	14	12.9	<4	—
1/6/2015	N	8.7	—	—	—	—	—
5/4/2015	N	8.7	—	—	—	—	—
7/17/2015	N	9.2	640	12	12.1	<4	—
Average^d		9.2	640	13	12.5	<4	—
Maximum Q4 '13- Q3 '15		11	640	14	12.9	<4	—
Average		8.2	914	24.7	34.0	6.3	—
Shallow Average TDS		—	914	—	—	—	—
Deep Average TDS		—	—	—	—	—	—
CA-MW-110-Shallow							
4/9/2014	N	11	—	—	—	—	—
4/9/2014	FD	11	—	—	—	—	—
7/21/2014	N	9.8	—	—	—	—	—
10/20/2014	N	10	870	35	49.4	11.2	—
2/4/2015	N	10	840	—	—	—	—
5/5/2015	N	5	730	27	44.1	<4	—
5/5/2015	FD	4.9	740	26	48.7	5.39	—
7/15/2015	N	0.44	750	21	28.4	7.93	—
Average^d		6.4	800	28	42.2	8.2	—
Maximum Q4 '13- Q3 '15		11	870	35	49.4	11.2	—
MW-16-Shallow							
1/14/2014	N	—	1,100	—	—	—	—
1/14/2014	FD	—	1,100	—	—	—	—
4/11/2014	N	2.2	1,200	32	26.5	8.32	—
7/21/2014	N	—	1,200	—	—	—	—
7/21/2015	FD	0.5	1,100	49	51.7	7.69	—
1/7/2015	N	—	1,000	—	—	—	—
4/14/2015	N	0.77	1,100	27	42.6	5.36	—
7/21/2015	N	0.49	1,100	46	54.2	5.96	—
Average^d		0.6	1,067	38	48.4	6.5	—
Maximum Q4 '13- Q3 '15		2.2	1,200	46	54.2	8.32	—

Table 1
Analytical Data Summary and Potential Pre-Remedial Reference Level Calculations
Response to Comments and Request for Additional Information, Agricultural Treatment Unit (ATU)
Reference Level Evaluation, Agricultural Treatment Byproducts Investigation Report for EIR Mitigation
Measure WTR-MM-5

Pacific Gas & Electric Company, Hinkley Compressor Station, Hinkley, California

Well	Date	N	mg/L	mg/L	mg/L	mg/L	mg/L
MW-178S-Shallow							
	4/9/2014	N	14	820	26	39.7	6.58
	4/13/2015	N	14	840	25	31.3	4.69
	7/22/2015	N	13	840	25	33.8	6.44
	Average ^d		13.5	840	25	32.6	5.6
	Maximum Q4 '13- Q3 '15		14	840	26	39.7	6.58
MW-208S-Shallow, Upgradient^e							
	12/18/2014	N	5.3	830	20	35.1	8.71
	7/20/2015	N	5.5	820	19	28.3	6.52
	Average ^d		5.4	825	20	31.7	7.6
	Maximum Q4 '13- Q3 '15		5.5	830	20	35.1	8.71
MW-209S-Shallow							
	12/18/2014	N	7.9	880	16	27.3	8.73
	4/14/2015	N	7.4	820	16	25.2	<4
	7/20/2015	N	7.9	830	17	16	5.23
	Average ^d		7.7	843	16	22.8	5.3
	Maximum Q4 '13- Q3 '15		7.9	880	17	27.3	8.73
SC-MW-13S-Shallow							
	8/6/2013	N	16	—	—	—	—
	11/6/2013	N	15	—	—	—	—
	2/4/2014	N	16	—	—	—	—
	5/8/2014	N	16	—	—	—	—
	8/4/2014	N	16	—	—	—	—
	11/6/2014	N	17	1,200	29	28.3	12
	2/5/2015	N	18	—	—	—	—
	4/16/2015	N	19	1,200	27	41.2	6.97
	7/17/2015	N	18	1,200	32	29	6.32
	Average ^d		18.0	1,200	29	32.8	8.4
	Maximum Q4 '13- Q3 '15		19	1,200	32	41.2	12
SC-MW-21S-Shallow							
	4/7/2014	N	12	850	10	15.1	4.35
	4/16/2015	N	10	780	12	23.2	5.16
	7/17/2015	N	11	860	14	18.1	<4
	Average ^d		10.5	820	13	20.7	3.6
	Maximum Q4 '13- Q3 '15		12	860	14	23.2	5.16
X-12-Upper Aquifer							
	4/23/2014	N	6	1,100	34	51.2	5.75
	6/22/2015	N	3.8	940	29	41	4.36
	7/13/2015	N	3.2	900	29	40.6	6.31
	Average ^d		3.5	920	29	40.8	5.3
	Maximum Q4 '13- Q3 '15		6	1,100	34	51.2	6.31

[REDACTED]

EXHIBIT "26"

VICTIMS TOWN OF HINKLEY

Temporary Mailing Address

Temporary Tel

September 6, 2015

Attn: Michael Picker, President
California Public Utilities Commission (CPUC)
505 Van Ness Avenue
San Francisco, CA 94102
MP6@cpuc.ca.gov; 415-703-2444

IN RE: REQUEST FOR ANSWERS (RFA)

The Victims Town of Hinkley are those persons per attached hereto Signatures' Pages.

Victims from the town of Hinkley, California 92347, hereinafter the "Victims", are the Deponents before State and Federal Governments' Agencies, per attached hereto Mailing List.

The Victims has filed their requests, along with massive volumes of information, over fifty thousand pages, before the United States Department of Justice, California and Federal Environmental Protection Agencies –Water Acts Violations Issues branches, the Federal and State Auditors, Federal Bureau of Investigation, California Department of Justice, and all others per said Mailing List, construed as holding Primary Jurisdiction over Deponents-Victims' Claims, Demands and Requests for Actions.

The Victims final stop in the State of California is the California Public Utilities Commission (CPUC), and in the United States the Federal Energy Regulatory Commission (FERC), are the remaining administrative agencies, sought to have primary jurisdictional authorities over PG&E.

The purpose of this request by the Deponents-Victims, is to finalize the issue of CPUC and FERC jurisdictional authority as being the last primary jurisdictional administrative agencies, over the acts committed by Pacific Gas and Electric Company (PG&E) if the authorities over some acts are conferred.

The Victims hereby promulgates, proclaims and asserts, that has exhausted all administrative remedy, commenced September 11, 2014 and ended on August 27, 2015, with all governmental agencies having such primary jurisdictional authority, except CPUC and FERC, in the timely manner (statute of limitations), according to the laws of the State of California and according to Federal Laws.

The last remaining agency to respond to the Deponents-Victims in the State of California is CPUC and in the United States is FERC.

The last stop of the Victims will be at the International Legal Arena, with the ultimate complaint against PG&E and certain state agencies, before the International Criminal Court in Netherlands.

To clear the issue surrounding California Code of Civil Procedure and section 17208 of the Business and Professions Code *"Any action to enforce any cause of action pursuant to this chapter shall be commenced within four years after the cause of action accrued. No cause of action barred under existing law on the effective date of this section shall be revived by its enactment"*,

and to clear the issue of *"Section 759. (a) No court of this state, except the Supreme Court and the court of appeal, to the extent specified in this article, shall have jurisdiction to review, reverse, correct, or annul any order or decision of the commission or to suspend or delay the execution or operation thereof, or to enjoin, restrain, or interfere with the commission in the performance of its official duties, as provided by law and the rules of court."*

"(b) The writ of mandamus shall lie from the Supreme Court and from the court of appeal to the commission in all proper cases as prescribed in Section 1085 of the Code of Civil Procedure", the Victims, and in an effort to also exhaust the administrative remedy from CPUC and FERC are hereby seeking the final answers from CPUC and FERC.

As to CPUC, the Deponents-Victims are hereby seeking answers from Rami Kahlon, PE, Director, Division of Water and Audits California Public Utilities Commission. *"Rami has served as the Director of the Division of Water and Audits at the California Public Utilities Commission since 2007. In this role, he is responsible for the regulatory oversight of 127 privately owned water and sewer utilities. In addition, Rami leads the Commission's Audit arm which provides auditing services to the other industry divisions. Rami is a seasoned utility regulator and has worked at the Commission for 20 years in various capacities. Rami holds a Bachelor of Science in electrical engineering from the University of California at Davis and a Master of Management from the Kellogg School at Northwestern University, and he is a licensed Professional Electrical Engineer."*

As to FERC, the Deponents-Victims acknowledges that *"The Federal Energy Regulatory Commission (FERC) is the United States with jurisdiction over interstate electricity sales, wholesale electric rates, hydroelectric licensing, natural gas pricing, and oil pipeline rates. FERC also reviews and authorizes liquefied natural gas (LNG) terminals, interstate natural gas pipelines, and non-federal hydropower projects. The Federal Power Commission (FPC), which preceded FERC, was established by Congress in 1920 to allow cabinet members to coordinate federal hydropower development."*

"Under the Federal Power Act, 16 U.S.C. § 791a et seq., the Federal Energy Regulatory Commission (the "FERC") had the exclusive authority to regulate "public utilities" that sell electric power at wholesale in interstate commerce. Id. at § 824(e)."

*"16 U.S. Code § 797 - General powers of Commission;
16 U.S. Code § 797b - Duty to keep Congress fully and currently informed."*

The Federal Energy Regulatory Commission shall keep the Committee on Energy and Commerce of the United States House of Representatives and the Committee on Energy and Natural Resources of the United States Senate fully and currently informed regarding actions of the Commission with respect to the provisions of Part I of the Federal Power Act [16 U.S.C. 791a et seq.]; 16 U.S. Code § 823b - Enforcement. "

In light of recent conversation, just a few days ago, in regards to Pacific Gas and Electric Company (PG&E) major safety issues violations, and other issues at-issue, with one of the staff from the California Public Utilities Commission (CPUC), with [REDACTED] one of the Deponent-Victims, the Victims respectfully request answers, by the responsible person from the CPUC, to just a few questions.

1. Is Pacific Gas and Electric Company PG&E), a California corporation, being a public utility's company, supplying electric power and natural gas, is also licensed as a Water Purveyor ?
2. Does CPUC oversees, regulates and does not lack jurisdiction by law and holds the delegated authority over the operations of PG&E as a Water Purveyor in such an event ?
3. Does CPUC oversees, regulates and does not lack jurisdiction by law and holds the delegated authorities over the operations of PG&E, such as In-Situ Operations, which involves injecting into the Federal and State Aquifers and within such aquifers the Federal and State Ground Drinking and for all intensive purposes Potable Waters, certain chemicals and substances, such as ethanol, vegetable oil (**at-issue is such substances being injected in the drinking water, while Victims are drinking such waters [insanity's operations]**), including but not limited to:
 - A. *Chemical Reduction Compounds: • Calcium polysulfide • Ferrous chloride • Ferrous sulfate Sodium dithionite • Zero-valent iron.*
 - B. *Biological Reduction Compounds: • Emulsified vegetable oil • Ethanol • Lactate • Whey • Molasses • Corn syrup • Acetate • Glucose • Methanol.*
 - C. *Tracer compounds shall not be reactive with current contaminants to be treated or other compounds used in the remediation process. Tracers include: • Bromide • Fluorescein • Eosine • Additional fluorescent tracers*
 - D. *Well Rehabilitation Compounds: • Acetic acid • Citric acid • Hydrochloric acid • Hydrogen peroxide • Sodium hydroxide*
 - E. *5. Well Rehabilitation Compounds: • Acetic acid • Citric acid • Hydrochloric acid • Hydrogen peroxide • Sodium hydroxide.*
4. Does CPUC oversees, regulate and does not lack jurisdiction by law, and holds the delegated authorities over the operations of PG&E, such as Agricultural Treatment Operations, which involves pumping out from the Federal and State Aquifers' Drinking and Potable Waters, containing Hexavalent Chromium, Arsenic and Uranium, with concentration over the maximum contaminant levels ?
5. Does CPUC oversees, regulate and does not lack jurisdiction by law, and holds the delegated authorities over the operations of PG&E, such as Farming Operations, which involves irrigating with poisoned with Hexavalent Chromium, Arsenic and Uranium ground drinking waters, the large alfalfa fields in the town of Hinkley, CA ? (Alfalfa is a feed for live stock, such as cows)
6. Does CPUC oversees, regulate and does not lack jurisdiction by law, and holds the delegated authorities over the operations of PG&E, such as Farming Operations, which involves PG&E in acting as a farmer, and causing major safety violations by compromising the health (more than 80 people dead, more than 600 with major illnesses and diseases, since 1987, compared to 8 dead and 68 injured in San Bruno), with such failed In-Situ and Agricultural Treatment Operations ?

Such Agricultural Treatment Operations involves pumping from the Federal and State Aquifers and the respective within Federal and State ground drinking water, in millions of gallons, beneath the town of Hinkley California 92347, that contains highly toxic poisonous substances, such as Hexavalent Chromium, with concentration over the codified into law maximum contaminant level of 10 ppb (part per billion), and byproducts as a result thereof such operations by PG&E, including but not limited to Arsenic at concentration over the codified into law maximum contaminant level of 10 ppb, and Uranium at concentration over the codified into law maximum contaminant level of 20 pCi/L (pico curie per liter), many other chemicals and substances, in the cumulative as to all, highly toxic and gravely poisonous substances.

Such substances were found to be present in said Federal and State Aquifers, said Federal and State ground drinking waters and Federal and State potable waters uses for all other intensive purposes, beneath the entire town of Hinkley, California 92347, based upon 3-laboratories' evidentiary exhibits.

All requests before Cal/EPA and U.S. EPA, and specifically before the State of California Lahontan Regional Water Quality Control Board, were not answered, and said board, construed as being the Lead Agency in investigating and prosecuting PG&E, has:

- A. not only refrained to answer, for nearly four years, any of the Deponents-Victims' requests;
- B. has not only denied to answer, for nearly four years, any of the Deponents-Victims' requests;
- C. has not only avoided to answer, for nearly four years, any of the Deponents-Victims' requests;
- D. has not only circumvented the State of California Safe Drinking Water Act / Prop 65, HEALTH AND SAFETY CODE SECTION 116270-116293, (a) Every citizen of California has the right to pure and safe drinking water, by denying to answer, for nearly four years, any of the Deponents-Victims' requests;
- E. has not only circumvented the United States Clean Water Act (CWA), by denying to answer, for nearly four years, any of the Deponents-Victims' requests;
- F. has not only avoided, refrained, and denied to commence any meaningful investigation, for nearly four years, to any of the Deponents-Victims' requests for investigation of poisoned State and Federal Aquifers beneath the entire town of Hinkley, CA 92347 with the PG&E's byproducts from now alleged as failed In-Situ and Agricultural Treatment Operations; but
- G. has shielded PG&E from full and unconditional investigation in regards to poisoning with Arsenic and Uranium, in addition to with Hexavalent Chromium the Federal and State Aquifers and the respective within Federal and State Ground Drinking and Potable Waters.

It was more than obvious of such avoidance, refraining, denying and circumventing acts, committed by said Lead Agency, said Water Board, due to alleged "COZY RELATIONSHIP" with PG&E and alleged acceptance of \$ 3.5 million bribe from PG&E, to process an absolutely superfluous report from Mr. Izbicki from USGS, who claimed, in order to also obtain a share of said bribery money from PG&E, that due to nuclear activity (atomic bomb blown in Hinkley, CA 92347, a need for psychiatrist), there was elevated concentration of Uranium, over the legal limits in Hinkley, CA.

Wherefore, all administrative remedy are, as of date, declared as exhausted by those agencies.

If CPUC and FERC assert that they do not have jurisdictional authorities over PG&E's operations, described herein Paragraphs 1 thru 6, response is hereby requested within 10 days.

If CPUC and FERC assert that they do have jurisdictional authorities over PG&E's operations, described herein Paragraphs 1 thru 6, response is hereby requested within 10 days. In such an event, the Deponents-Victims will immediately file massive volumes of information, on criminal platforms-forums-arenas, feloniously incriminating PG&E, for committed massive safety violations, causing wrongful illnesses, diseases and wrongful death to the Victims.

VICTIMS TOWN OF HINKLEY

Temporary Mailing Address

Temporary Phone No:

Victims-Deponents, per attached
hereto Signatures Pages

BRFORE

Attn: Lauren Steele, Trial Attorney
Environmental Crime Section
U.S. DEPARTMENT OF JUSTICE
P.O. Box 7611
Washington, DC 20044

Attn: Doug Cordiner, Chief Deputy
Investigations
California State Auditor
P.O. Box 1019
Sacramento, CA 95812

Attn: Comptroller General of United States
U.S. Government Accountability Office
350 South Figueroa Street, Suite 1010
Los Angeles, CA 90071

ALLEGATIONS

1. **BRIBARY BY PACIFIC GAS AND ELECTRIC COMPANY, \$3,500,000.00 TO STATE OF CALIFORNIA LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD, UNDER PRETENSE THAT IS FOR A REPORT, ALLEGED WHEN COMPLETED BY USGS, AS SUPERFOLOUS, INCOMPREHENSIBLE, VAGUE AND AMBIGUOUS;**
2. **ACCEPTED BRIBARY, \$3,500,000.00 BY STATE OF CALIFORNIA LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD FROM PACIFIC GAS AND ELECTRIC COMPANY, UNDER PRETENSE THAT IS FOR A REPORT, ALLEGED WHEN COMPLETED BY USGS, AS SUPERFOLOUS, INCOMPREHENSIBLE, VAGUE AND AMBIGUOUS;**
3. **ACCEPED BRIBARY FUNDS BY MR. JOHN IZBICKY, UNITED STATE GEOLOGICAL SURVEY (USGS) UNDER PRETENSE THAT IS FOR A REPORT, ALLEGED WHEN COMPLETED BY USGS, AS SUPERFOLOUS, INCOMPREHENSIBLE, VAGUE AND AMBIGUOUS;**
4. **MISUSE OF U. S. GOVERNEMNT TAXPAYERS' FUNDS, ADDITIONAL \$ 1,000,000.00 PAID TO USGS, FOR SAID HEREIN REPORT, PURPORTED TO DISCOVER NATURALLY OCCURRING HEXAVALENT CHROMIUM IN HINKLEY'S AQUIFERS, ALLEGED TO BE, WHEN COMPLETED, AS SUPERFLUOUS, INCOMPREHENSIBLE, VAGUE AND AMBIGUOUS.**

COMES NOW, the Victims-Deponents, from the town of Hinkley, CA 92347, per attached hereto Signatures Pages, and alleges the followings:

1. **BRIBARY BY PACIFIC GAS AND ELECTRIC COMPANY, \$3,500,000.00 TO STATE OF CALIFORNIA LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD, UNDER PRETENSE THAT IS FOR A REPORT, ALLEGED WHEN COMPLETED BY USGS, AS SUPERFOLOUS, INCOMPREHENSIBLE, VAGUE AND AMBIGUOUS;**
2. **ACCEPTED BRIBARY, \$3,500,000.00 BY STATE OF CALIFORNIA LAHONTAN REGIONAL WATER QUALITY CONTROL BOARD FROM PACIFIC GAS AND ELECTRIC COMPANY, UNDER PRETENSE THAT IS FOR A REPORT, ALLEGED WHEN COMPLETED BY USGS, AS SUPERFOLOUS, INCOMPREHENSIBLE, VAGUE AND AMBIGUOUS;**
California Lahontan Regional Water Quality Control Board, hereinafter the "Lahontan Board", Patty Z. Kouyoumdjian, Executive Officer pzkouyoumdjian@waterboards.ca.gov (530) 542-5412; Lauri Kemper, Assistant Executive Officer lkemper@waterboards.ca.gov (530) 542-5436; Lisa Dernbach, Senior Engineering Geologist ldernbach@waterboards.ca.gov (530) 542-5424; hereinafter, the "Government Officials"; and
State Water Resources Control Board 1001 I Street, Sacramento, CA 95814 info@waterboards.ca.gov Phone: (916) 341-5254, hereinafter the "State Water Board".

1. **ACCEPED BRIBARY FUNDS BY MR. JOHN IZBICKY, UNITED STATE GEOLOGICAL SURVEY (USGS) UNDER PRETENSE THAT IS FOR A REPORT, ALLEGED WHEN COMPLETED BY USGS, AS SUPERFOLOUS, INCOMPREHENSIBLE, VAGUE AND AMBIGUOUS;**
2. **MISUSE OF U. S. GOVERNEMNT TAXPAYERS' FUNDS, ADDITIONAL \$ 1,000,000.00 PAID TO USGS, FOR SAID HEREIN REPORT, PURPORTED TO DISCOVER NATURALY OCCURRING HEXAVALENT CHROMIUM IN HINKLEY'S AQUIFERS, ALLEGED TO BE, WHEN COMPLETED, AS SUPERFLUOUS, INCOMPREHENSIBLE, VAGUE AND AMBIGUOUS.**

PREAMBLE

The Victims-Deponents rise and hereby quote statements made by Special Agent Patrick Bohrer from United States Federal Bureau of Investigation (FBI).

*Public corruption is a breach of trust by federal, state, or local officials—often with the help of private sector accomplices. Corrupt public officials undermine our country's national security, our overall safety, the public trust, and confidence in the U.S. government, wasting billions of dollars along the way. This corruption can tarnish virtually every aspect of society. **Bribery is the most common.** Vast majority of our country's public officials are honest and work hard to improve the lives of the American people. But a small number make decisions for the wrong reasons—usually, to line their own pockets or those of friends and family. These people can be found—and have been found—in legislatures, courts, city halls, law enforcement departments, school and zoning boards, government agencies of all kinds (including those that regulate elections and transportation), and even companies that do business with government. So let me end by saying, if anyone out there has any information about potential wrongdoing by a public official, please submit a tip online or contact your local FBI field office. Your help really makes a difference.*

The Victims-Deponents hereby submits the following information before:

Attn: Lauren Steele, Trial Attorney
Environmental Crime Section U.S. DEPARTMENT OF JUSTICE
P.O. Box 7611
Washington, DC 20044

Attn: Doug Cordiner, Chief Deputy Investigations
California State Auditor
P.O. Box 1019
Sacramento, CA 95812

Attn: Comptroller General of United States
U.S. Government Accountability Office
350 South Figueroa Street, Suite 1010
Los Angeles, CA 90071

A true copies of allegations are also transmitted to Federal and State of California elected officials, and other officials, for reference and for all other intensive purposes, aimed as awareness of the alleged highly sophisticated tactical ploy by Pacific Gas and Electric Company (PG&E), a California corporation, amounting to nothing less than a bribery of State of California officials, and acceptance of bribe by such officials, including federal employee from United States Geological Survey, accepting bribery money under extreme sophisticated pretense, as to all, a highly coordinated (bribery) enticement, orchestrated by Pacific Gas and Electric Company.

BRIEF HISTORY

1. This is not the first time Pacific Gas and Electric Company, hereinafter ("PG&E"), has bribed government officials and, in fact, many others.
2. This is not the first time PG&E has exhibited COZY RELATIONSHIP with government officials. Citing the California Public Utilities Commission's President Michael Peevey.
3. This is not the first time PG&E has exhibited not only judge-shopping, but received favors in exchange. Citing the PUC judge-shopping.
4. This is not the first time PG&E has received favorable treatment from the State of California officials. PG&E has enticed state officials with dinners, gifts, other bribery's perks, being only a tip of an iceberg's acts.
5. This is not the first time PG&E has lobbied, by an army of "insider's lobbyists", congressman, senator and assembly member from State of California.
6. This is not the first time and employee from the State of California Water Board has been charged with inappropriate activities. Citing \$3,500 embezzlement. Attached hereto for reference SPECIFIC EXHIBIT "2".
7. The pattern of misconduct by certain governmental official, aiming to unjustly enrich themselves, is beyond any borders.
8. The pattern of highly **sophisticated ploy**, to reduce, or eliminate strict liability for wrongful and illegal acts committed by PG&E, is also beyond any borders.

History has a way to repeating itself. Does money buys better politicians? It appears, in fact, that it does.

It also appears that PG&E has aimed for a pure capitalism, by controlling government's actions for own gain.

Pure capitalism can only exist in a fiction. Pure capitalism destabilizes every system of government and will ultimately (if left unchecked) lead to fascism: i.e. the perfect marriage of corporations and government. It's called "corporate capture of the government". It's a fundamental part of fascism, and it's been championed by leaders on the Right for over 30 years. This is another example of how Rightwing ideals are destructive to democracies. This does, however, work just fine to support Rightwing banana republics.

ALLEGATIONS

9. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 8.
10. SPECIFIC EXHIBIT "1" is attached hereto and incorporated herein for reference. On or about August 8, 2015, UNITED STATES DEPARTMENT OF JUSTICE, Lauren Steele, Trial Attorney, Environmental Crimes Section, U.S. Department of Justice, Washington, DC 20044 office has sent a letter to the Deponents and Victims, Town of Hinkley, informing them that the papers submitted are being forwarded to the appropriate agency to perform follow-up investigation.
11. In light of pending, acknowledged to be a criminal investigation of the acts of the Respondents, the Victims-Deponents will await said investigation and cannot comment further.

12. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 11.

13. SPECIFIC EXHIBIT "2" is attached hereto and incorporated herein for reference.
The Report presents fact about the Manager of the State Water Resources Control Board in regards to the embezzled \$ 3,500 in state funds that she received. This is setting precedence as the inappropriate behavior of government official, particularly in delegated authority as the Manager for the State of California Water Board.

14. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 13.

15. SPECIFIC EXHIBIT "3" is attached hereto and incorporated herein for reference.

16. In fact, said SPECIFIC EXHIBIT "3" should be read in entirety, thus alleviate duplicate allegations.

17. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 16.

18. SPECIFIC EXHIBIT "4" is attached hereto and incorporated herein for reference.

19. In fact, said SPECIFIC EXHIBIT "4" should be read in entirety, thus alleviate duplicate allegations.

20. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 19.

21. SPECIFIC EXHIBIT "5" is attached hereto and incorporated herein for reference.

22. In fact, said SPECIFIC EXHIBIT "5" should be read in entirety, thus alleviate duplicate allegations.

23. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 22.

24. SPECIFIC EXHIBIT "6" is attached hereto and incorporated herein for reference.

25. In fact, said SPECIFIC EXHIBIT "6" should be read in entirety, thus alleviate duplicate allegations.

26. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 25.

27. SPECIFIC EXHIBIT "7" is attached hereto and incorporated herein for reference.

28. In fact, said SPECIFIC EXHIBIT "7" should be read in entirety, thus alleviate duplicate allegations.

29. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 28.

30. SPECIFIC EXHIBIT "8" is attached hereto and incorporated herein for reference.

31. In fact, said SPECIFIC EXHIBIT "8" should be read in entirety, thus alleviate duplicate allegations.

32. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 31.

33. SPECIFIC EXHIBIT "9" is attached hereto and incorporated herein for reference.
34. In fact, said SPECIFIC EXHIBIT "9" should be read in entirety, thus alleviate duplicate allegations.
35. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 34.
36. SPECIFIC EXHIBIT "10" is attached hereto and incorporated herein for reference.
37. In fact, said SPECIFIC EXHIBIT "10" should be read in entirety, thus alleviate duplicate allegations.
38. Here, the cozy relationship with government employee Mr. John Izbicki from USGS and PG&E is more than evident.
39. It is impossible to isolate impartiality when the "new employer" of Mr. Izbicki PG&E dictates the outcome.
40. It is indubitably a cozy relationship. The resulted report content will be more than biased against any deponent and definitely in favor of PG&E, triggering shielding PG&E from the liabilities for wrongful and illegal acts.
41. It is also impossible, according to other scientists, to estimate of how much Hexavalent Chromium is naturally occurring within the aquifers beneath the town of Hinkley, CA 92347, and how much is oxidized and anthropogenic (introduced by PG&E's operations), in light of that PG&E has performed massive dilution with all kind of substances for the past two decades, such as ethanol and vegetable oil, and rocks at surface of ground, found to contain Hexavalent Chromium which are not prone to oxidation (serpentine rocks) will prove noting, other than more speculations, thus the report will be not only biased, but superfluous, incomprehensible, vague and ambiguous.
42. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 41.
43. SPECIFIC EXHIBIT "11" is attached hereto and incorporated herein for reference.
44. In fact, said SPECIFIC EXHIBIT "11" should be read in entirety, thus alleviate duplicate allegations.
45. Here, the cozy relationship with government employees from State of California Lahontan Regional Water Quality Control Board and PG&E is more than evident.
46. It is impossible to isolate impartiality when the "new employer PG&E" of the State of California officials Patty Z. Kouyoumdjian, Executive Officer; Lauri Kemper, Assistant Executive Officer; Lisa Dernbach, Senior Engineering Geologist; and including but not limited to support staff, dictates the outcome.
47. It is indubitably a cozy relationship. The resulted report content will be more than biased against any deponent and definitely in favor of PG&E, triggering shielding PG&E from the liabilities for wrongful and illegal acts.
48. Although, the comments by Lisa Dernbach are attempting to portray impartiality, it is more than obvious the quest to grab that \$3.5 million pay check from PG&E and \$ 1 million from United States of America, totaling \$ 4.5 million. A way to go. An ultimate unjust enrichment at the expense of the Victims.

49. It is also impossible, according to other scientists, to estimate of how much Hexavalent Chromium is naturally occurring within the aquifers beneath the town of Hinkley, and how much is oxidized / anthropogenic (introduced by PG&E's operations), in light of that PG&E has performed massive dilution with substances for the past two decades, such as ethanol and vegetable oil, and rocks at surface of ground, found to contain trace of Hexavalent Chromium which are not prone to oxidation (serpentine rocks) will prove nothing, other than more speculations, thus the report will be not only biased, but superfluous, incomprehensible, vague and ambiguous.

50. Furthermore, virtually the endless reports by PG&E and the endless orders by those employees from the State of California Water Board, for over two decades, has not yielded the removal of the Hexavalent Chromium poisoning the aquifers beneath the town of Hinkley, CA 92347, in fact an increase to up to 5,000 ppb (parts per billion) (on maximum legal limit codified into law of 10 ppb, has just been reported).

51. However, has yielded unjust enrichment and longevity of employment to those Water Board's employee, now as well as being the PG&E's employees, (\$3.5 million pay check), and has shielded PG&E from liability, all at the expense of the Victims-Deponents damaged health and welfare, and to the Victims-Deponents damaged real property, exhibiting a massive and irreparable diminution in value to zero dollars.

52. It will be impossible for any reader of not to comprehend this saga for decades. By introduction of such technical ploy scheme report, PG&E, Water Board and the rest of accomplices in concert with, not only the people from Hinkley (called the Hicks or the knuckle head people by the Sheriff, County of San Bernardino, California 92347) intelligence was insulted, but to many readers from around the world. Such saga is incomprehensible. Such saga must be investigated by the U.S. law enforcement authorities.

53. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 52.

54. SPECIFIC EXHIBIT "12" is attached hereto and incorporated herein for reference.

55. In fact, said SPECIFIC EXHIBIT "12" should be read in entirety, thus alleviate duplicate allegations.

56. Here, the cozy relationship between the so-called Independent Review Panel Manager (absolutely nothing independent, thus absolutely biased since such paid well by PG&E underdog, is acting as an accomplice to PG&E), and PG&E, is more than evident.

57. It is impossible to isolate impartiality when Mr. Ian A. Webster, IRP Manager, a self proclaimed Independent Review Panel Manager from private company Project Navigator, Ltd., has launched unprecedented propaganda for outcome in favor of PG&E.

58. It is indubitably a cozy relationship. The resulted report content will be more than biased against the Victims and definitely in favor of PG&E, triggering shielding PG&E from the liabilities for wrongful and illegal acts.

59. Although, the comments by Ian A. Webster are attempting to portray impartiality, it is more than obvious the quest to grab substantial pay check from PG&E. A way to go. An ultimate unjust enrichment of another corporate interest, at the expense of the Victims.

60. It is also impossible, according to other scientists, to estimate of how much Hexavalent Chromium is naturally occurring within the aquifers beneath the town of Hinkley, CA 92347, and how much is oxidized and anthropogenic (introduced by PG&E's operations), in light of that PG&E has performed massive dilution with all kind of substances for the past two decades, such as ethanol and vegetable oil, and rocks at surface of ground, found to contain trace of Hexavalent Chromium which are not prone to oxidation (serpentine rocks) will prove nothing, other than more speculations, thus the report will be not only biased, but superfluous, incomprehensible, vague and ambiguous.

61. Furthermore, virtually the endless reports by PG&E and the endless orders by those employees from the State of California Water Board, for over two decades, has not yielded the removal of the Hexavalent Chromium poisoning the aquifers beneath the town of Hinkley, CA 92347, in fact an increase to up to 5,000 ppb (parts per billion) (on maximum legal limit codified into law of 10 ppb, has just been reported).

62. However, has yielded unjust enrichment to Ian A. Webster and has shielded PG&E from liability, all at the expense of the Victims-Deponents damaged health and welfare, and to the Victims-Deponents damaged real property, exhibiting a massive and irreparable diminution in value to zero dollars.

63. It will be impossible for any reader of not to comprehend this saga for decades. By introduction of such technical ploy scheme report, PG&E, Water Board, Ian A. Webster and the rest of accomplices in concert with, not only the people from Hinkley (called the Hicks or the knuckle head people by the Sheriff, County of San Bernardino, California 92347) intelligence was insulted, but to many readers from around the world. Such saga is incomprehensible. Such saga must be investigated by the U.S. law enforcement authorities.

64. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 63.

65. SPECIFIC EXHIBIT "13" is attached hereto and incorporated herein for reference.

66. In fact, said SPECIFIC EXHIBIT "13" should be read in entirety, thus alleviate duplicate allegations.

67. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 66.

68. SPECIFIC EXHIBIT "14" is attached hereto and incorporated herein for reference.

69. In fact, said SPECIFIC EXHIBIT "14" should be read in entirety, thus alleviate duplicate allegations.

70. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 69.

71. SPECIFIC EXHIBIT "15" is attached hereto and incorporated herein for reference.

72. In fact, said SPECIFIC EXHIBIT "15" should be read in entirety, thus alleviate duplicate allegations.

73. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 72.

74. SPECIFIC EXHIBIT "16" is attached hereto and incorporated herein for reference.

75. In fact, said SPECIFIC EXHIBIT "16" should be read in entirety, thus alleviate duplicate allegations.

76. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 75.

77. SPECIFIC EXHIBIT "17" is attached hereto and incorporated herein for reference.

78. In fact, said SPECIFIC EXHIBIT "17" should be read in entirety, thus alleviate duplicate allegations.

79. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 78.

80. SPECIFIC EXHIBIT "18" is attached hereto and incorporated herein for reference.

81. In fact, said SPECIFIC EXHIBIT "18" should be read in entirety, thus alleviate duplicate allegations.

82. Here, it is not only absurd, but insane to believe that the drinking water from the aquifers beneath the town of Hinkley, CA 92347 is "safe to drink", as implied. Based upon such reckless statement, by the State of California employees Patty Z. Kouyoumdjian, Executive Officer, highly implicating, the Victims-Deponents has continue to drink the water extracted from the aquifer beneath their real property via well, as well as used such poisoned water with other toxic substances Arsenic and Uranium for all other intensive purposes, and the recent premature and wrongful death of many Victims, must be accounted for. If any "hick" from Hinkley has stated such incomprehensible statement, implying that the water is safe to drink, it will be in the state or federal penitentiary for a long time. Is Kouyoumdjian in jail. NO. Wherefore, the Victims-Deponents are now at their ultimate climax point and the authorities must intervene, in the event of civil unrest, to calm down this saga.

83. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 82.

84. SPECIFIC EXHIBIT "18" is attached hereto and incorporated herein for reference.

85. In fact, said SPECIFIC EXHIBIT "18" should be read in entirety, thus alleviate duplicate allegations.

86. Here, by stating that USGS has the jurisdictional authorities to protect the quality of Nation's water is not only misleading but is an attempt to elevate the USGS authorities, all in an effort to obtain that contract for the report sought, alleged herein when released, as superfluous, incomprehensible, vague and ambiguous.

87. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 86.

88. VOLUME EXHIBITS "A through H" are attached hereto and incorporated herein for reference, to only Lauren Steele, Trial Attorney, Environmental Crime Section, U.S. DEPARTMENT OF JUSTICE; Doug Cordiner, Chief Deputy Investigations, California State Auditor; and Comptroller General of United States U.S. Government Accountability Office.

89. In fact, said VOLUME EXHIBITS "A through H", consisting of approx. 500 pages in the cumulative, should be read in entirety, thus alleviate duplicate allegations.

90. The Victims-Deponents re-allege and incorporate by reference as though fully set herein the allegations contained in paragraphs 1 through 89.

91. PROPAGANDA EXHIBITS "1 through 10", are attached hereto and incorporated herein for reference.

92. In fact, said PROPAGANDA EXHIBITS "1 through 10", should be read in entirety, thus alleviate duplicate allegations.

93. The Victims-Deponents can present additional allegations, papers in volume over 100,000 pages, which is impractical at the beginning of this stage, however will transmit all that in possession upon request by the investigating and prosecution authorities, both State of California and Federal.